

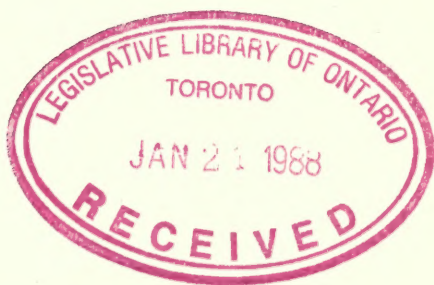






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LEGISLATIVE ASSEMBLY  
OF THE  
PROVINCE OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE  
TOGETHER WITH  
REPORTS AND THIRD READINGS

GEORGE

APRIL 22, 1964 TO JULY 16, 1964

OCTOBER 14, 1964 TO DECEMBER 17, 1964

JANUARY 17, 1965 TO FEBRUARY 11, 1965





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SECOND SESSION  
THIRTY-THIRD PARLIAMENT

PUBLIC BILLS (GOVERNMENT)

**LEGISLATIVE ASSEMBLY**  
**OF THE**  
**PROVINCE OF ONTARIO**

**BILLS**

**AS INTRODUCED IN THE HOUSE  
TOGETHER WITH  
REPRINTS AND THIRD READINGS**

**SESSION**

**APRIL 22, 1986 to JULY 10, 1986**

**and**

**OCTOBER 14, 1986 to DECEMBER 18, 1986**

**and**

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# Bill 1

## **An Act to amend the Succession Law Reform Act**

The Hon. I. Scott  
*Attorney General*

---

*1st Reading*      April 22nd, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

---

#### EXPLANATORY NOTE

The Bill makes technical changes to the *Succession Law Reform Act*, to ensure that its language relating to family property and support is consistent with the language of the *Family Law Act, 1986*.



Bill 1

1986

**An Act to amend the  
Succession Law Reform Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clauses 1 (1) (a) and (c) of the *Succession Law Reform Act*, being chapter 488 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

(a) “child” includes a child conceived before and born alive after the parent’s death;

(c) “issue” includes a descendant conceived before and born alive after the person’s death.

**(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:**

(fa) “spouse” means either of a man and woman who,

(i) are married to each other, or

(ii) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under this Act.

**(3) Section 1 of the said Act is amended by adding thereto the following subsection:**

(1a) In the definition of “spouse”, a reference to marriage includes a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid.

Polygamous  
marriages

**2. Clauses 57 (a), (b), (d), (f) and (g) of the said Act are repealed and the following substituted therefor:**

(a) "child" means a child as defined in clause 1 (1) (a) and includes a grandchild and a person whom the deceased has demonstrated a settled intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;

(b) "cohabit" means to live together in a conjugal relationship, whether within or outside marriage;

. . . . .

(d) "dependant" means,

(i) the spouse of the deceased,

(ii) a parent of the deceased,

(iii) a child of the deceased, or

(iv) a brother or sister of the deceased,

to whom the deceased was providing support or was under a legal obligation to provide support immediately before his or her death;

. . . . .

(f) "parent" includes a grandparent and a person who has demonstrated a settled intention to treat the deceased as a child of his or her family, except under an arrangement where the deceased was placed for valuable consideration in a foster home by a person having lawful custody;

(g) "spouse" means a spouse as defined in subsection 1 (1) and in addition includes either of a man and woman who,

(i) were married to each other by a marriage that was terminated or declared a nullity, or

(ii) are not married to each other and have cohabited,

(A) continuously for a period of not less than three years, or

(B) in a relationship of some permanence, if they are the natural or adoptive parents of a child.

**3. Subsection 58 (2) of the said Act is repealed and the following substituted therefor:**

(2) An application for an order for the support of a dependant may be made by the dependant or the dependant's parent. Applicants

(2a) An application for an order for the support of a dependant may also be made by one of the following agencies: Idem

(a) the Ministry of Community and Social Services in the name of the Minister;

(b) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality;

(c) a district welfare administration board under the *District Welfare Administration Boards Act*; or

R.S.O. 1980,  
c. 122

(d) a band approved under section 15 of the *General Welfare Assistance Act*,

R.S.O. 1980,  
c. 188

if the agency is providing or has provided a benefit under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act* in respect of the dependant's support, or if an application for such a benefit or assistance has been made to the agency by or on behalf of the dependant.

R.S.O. 1980,  
cc. 151, 188

**4. Section 62 of the said Act is repealed and the following substituted therefor:**

**62.**—(1) In determining the amount and duration, if any, of support, the court shall consider all the circumstances of the application, including,

Determina-  
tion  
of amount

(a) the dependant's current assets and means;

(b) the assets and means that the dependant is likely to have in the future;

- (c) the dependant's capacity to contribute to his or her own support;
- (d) the dependant's age and physical and mental health;
- (e) the dependant's needs, in determining which the court shall have regard to the dependant's accustomed standard of living;
- (f) the measures available for the dependant to become able to provide for his or her own support and the length of time and cost involved to enable the dependant to take those measures;
- (g) the proximity and duration of the dependant's relationship with the deceased;
- (h) the contributions made by the dependant to the deceased's welfare, including indirect and non-financial contributions;
- (i) the contributions made by the dependant to the acquisition, maintenance and improvement of the deceased's property or business;
- (j) a contribution by the dependant to the realization of the deceased's career potential;
- (k) whether the dependant has a legal obligation to provide support for another person;
- (l) the circumstances of the deceased at the time of death;
- (m) any agreement between the deceased and the dependant;
- (n) any previous distribution or division of property made by the deceased in favour of the dependant by gift or agreement or under court order;
- (o) the claims that any other person may have as a dependant;
- (p) if the dependant is a child,
  - (i) the child's aptitude for and reasonable prospects of obtaining an education, and
  - (ii) the child's need for a stable environment;



- (q) if the dependant is a child of the age of sixteen years or more, whether the child has withdrawn from parental control;
- (r) if the dependant is a spouse,
  - (i) a course of conduct by the spouse during the deceased's lifetime that is so unconscionable as to constitute an obvious and gross repudiation of the relationship,
  - (ii) the length of time the spouses cohabited,
  - (iii) the effect on the spouse's earning capacity of the responsibilities assumed during cohabitation,
  - (iv) whether the spouse has undertaken the care of a child who is of the age of eighteen years or over and unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents,
  - (v) whether the spouse has undertaken to assist in the continuation of a program of education for a child eighteen years of age or over who is unable for that reason to withdraw from the charge of his or her parents,
  - (vi) any housekeeping, child care or other domestic service performed by the spouse for the family, as if the spouse had devoted the time spent in performing that service in remunerative employment and had contributed the earnings to the family's support,
  - (vii) the effect on the spouse's earnings and career development of the responsibility of caring for a child,
  - (viii) the desirability of the spouse remaining at home to care for a child; and
- (s) any other legal right of the dependant to support, other than out of public money.

(2) In addition to the evidence presented by the parties, the court may direct other evidence to be given as the court considers necessary or proper. Evidence



Idem

(3) The court may accept such evidence as it considers proper of the deceased's reasons, so far as ascertainable, for making the dispositions in his or her will, or for not making adequate provision for a dependant, as the case may be, including any statement in writing signed by the deceased.

Idem

(4) In estimating the weight to be given to a statement referred to in subsection (3), the court shall have regard to all the circumstances from which an inference can reasonably be drawn as to the accuracy of the statement.

Commence-  
ment

**5. This Act comes into force on the day it receives Royal Assent.**

Short title

**6. The short title of this Act is the *Succession Law Reform Amendment Act, 1986*.**

# Bill 1

*(Chapter 53  
Statutes of Ontario, 1986)*

## **An Act to amend the Succession Law Reform Act**

**The Hon. I. Scott**  
*Attorney General*

---

<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 19th, 1986
<i>3rd Reading</i>	November 27th, 1986
<i>Royal Assent</i>	November 27th, 1986

---



Bill 1

1986

**An Act to amend the  
Succession Law Reform Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clauses 1 (1) (a) and (c) of the *Succession Law Reform Act*, being chapter 488 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

(a) “child” includes a child conceived before and born alive after the parent’s death;

. . . . .

(c) “issue” includes a descendant conceived before and born alive after the person’s death.

**(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:**

(fa) “spouse” means either of a man and woman who,

(i) are married to each other, or

(ii) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under this Act.

**(3) Section 1 of the said Act is amended by adding thereto the following subsection:**

(1a) In the definition of “spouse”, a reference to marriage includes a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid.

Polygamous  
marriages

**2. Clauses 57 (a), (b), (d), (f) and (g) of the said Act are repealed and the following substituted therefor:**

- (a) “child” means a child as defined in clause 1 (1) (a) and includes a grandchild and a person whom the deceased has demonstrated a settled intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;
- (b) “cohabit” means to live together in a conjugal relationship, whether within or outside marriage;

. . . . .

- (d) “dependant” means,
  - (i) the spouse of the deceased,
  - (ii) a parent of the deceased,
  - (iii) a child of the deceased, or
  - (iv) a brother or sister of the deceased,

to whom the deceased was providing support or was under a legal obligation to provide support immediately before his or her death;

. . . . .

- (f) “parent” includes a grandparent and a person who has demonstrated a settled intention to treat the deceased as a child of his or her family, except under an arrangement where the deceased was placed for valuable consideration in a foster home by a person having lawful custody;
- (g) “spouse” means a spouse as defined in subsection 1 (1) and in addition includes either of a man and woman who,
  - (i) were married to each other by a marriage that was terminated or declared a nullity, or
  - (ii) are not married to each other and have cohabited,



- (A) continuously for a period of not less than three years, or
- (B) in a relationship of some permanence, if they are the natural or adoptive parents of a child.

**3. Subsection 58 (2) of the said Act is repealed and the following substituted therefor:**

(2) An application for an order for the support of a dependant may be made by the dependant or the dependant's parent. Applicants

(2a) An application for an order for the support of a dependant may also be made by one of the following agencies: Idem

- (a) the Ministry of Community and Social Services in the name of the Minister;
- (b) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality;
- (c) a district welfare administration board under the *District Welfare Administration Boards Act*; or
- (d) a band approved under section 15 of the *General Welfare Assistance Act*,

R.S.O. 1980,  
c. 122

R.S.O. 1980,  
c. 188

if the agency is providing or has provided a benefit under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act* in respect of the dependant's support, or if an application for such a benefit or assistance has been made to the agency by or on behalf of the dependant.

R.S.O. 1980,  
cc. 151, 188

**4. Section 62 of the said Act is repealed and the following substituted therefor:**

**62.—**(1) In determining the amount and duration, if any, of support, the court shall consider all the circumstances of the application, including, Determination of amount

- (a) the dependant's current assets and means;
- (b) the assets and means that the dependant is likely to have in the future;

- (c) the dependant's capacity to contribute to his or her own support;
- (d) the dependant's age and physical and mental health;
- (e) the dependant's needs, in determining which the court shall have regard to the dependant's accustomed standard of living;
- (f) the measures available for the dependant to become able to provide for his or her own support and the length of time and cost involved to enable the dependant to take those measures;
- (g) the proximity and duration of the dependant's relationship with the deceased;
- (h) the contributions made by the dependant to the deceased's welfare, including indirect and non-financial contributions;
- (i) the contributions made by the dependant to the acquisition, maintenance and improvement of the deceased's property or business;
- (j) a contribution by the dependant to the realization of the deceased's career potential;
- (k) whether the dependant has a legal obligation to provide support for another person;
- (l) the circumstances of the deceased at the time of death;
- (m) any agreement between the deceased and the dependant;
- (n) any previous distribution or division of property made by the deceased in favour of the dependant by gift or agreement or under court order;
- (o) the claims that any other person may have as a dependant;
- (p) if the dependant is a child,
  - (i) the child's aptitude for and reasonable prospects of obtaining an education, and
  - (ii) the child's need for a stable environment;

- (q) if the dependant is a child of the age of sixteen years or more, whether the child has withdrawn from parental control;
- (r) if the dependant is a spouse,
  - (i) a course of conduct by the spouse during the deceased's lifetime that is so unconscionable as to constitute an obvious and gross repudiation of the relationship,
  - (ii) the length of time the spouses cohabited,
  - (iii) the effect on the spouse's earning capacity of the responsibilities assumed during cohabitation,
  - (iv) whether the spouse has undertaken the care of a child who is of the age of eighteen years or over and unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents,
  - (v) whether the spouse has undertaken to assist in the continuation of a program of education for a child eighteen years of age or over who is unable for that reason to withdraw from the charge of his or her parents,
  - (vi) any housekeeping, child care or other domestic service performed by the spouse for the family, as if the spouse had devoted the time spent in performing that service in remunerative employment and had contributed the earnings to the family's support,
  - (vii) the effect on the spouse's earnings and career development of the responsibility of caring for a child,
  - (viii) the desirability of the spouse remaining at home to care for a child; and
- (s) any other legal right of the dependant to support, other than out of public money.

(2) In addition to the evidence presented by the parties, the court may direct other evidence to be given as the court considers necessary or proper. Evidence

Idem

(3) The court may accept such evidence as it considers proper of the deceased's reasons, so far as ascertainable, for making the dispositions in his or her will, or for not making adequate provision for a dependant, as the case may be, including any statement in writing signed by the deceased.

Idem

(4) In estimating the weight to be given to a statement referred to in subsection (3), the court shall have regard to all the circumstances from which an inference can reasonably be drawn as to the accuracy of the statement.

Commence-  
ment

**5. This Act comes into force on the day it receives Royal Assent.**

Short title

**6. The short title of this Act is the *Succession Law Reform Amendment Act, 1986*.**

# Bill 2

**An Act respecting the  
Labour Disputes between All-Way Transportation  
Corporation (Wheel-Trans Division)  
and Local 113, Amalgamated Transit Union**

The Hon. W. Wrye  
*Minister of Labour*

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*1st Reading*      April 24th, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

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#### EXPLANATORY NOTE

The purpose of the Bill is to end the labour disputes involving All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union. The Bill provides for the immediate return to work by the employees and the immediate start-up of operations by the employer. Under the Bill, the dispute is to be settled by compulsory arbitration.

Bill 2

1986

**An Act respecting the  
Labour Disputes between All-Way Transportation  
Corporation (Wheel-Trans Division)  
and Local 113, Amalgamated Transit Union**

Whereas All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union, have been parties to two collective agreements, both of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the *Labour Relations Act*; and whereas the parties have not achieved a settlement of the disputes; and whereas the strike by the union against the employer has caused a cessation of transportation services for the handicapped, rendering travel for the handicapped difficult and causing hardship; and whereas the public interest and welfare require that means be provided to bring the strike to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1980,  
c. 228

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) In this Act,**

Definitions

“employees” means the employees mentioned in subsection 2 (1);

“employer” means All-Way Transportation Corporation (Wheel-Trans Division);

“expiry date” means the 31st day of December, 1985;

“Minister” means the Minister of Labour;

“parties” means the employer and the union;

“union” means Local 113, Amalgamated Transit Union.

Idem  
R.S.O. 1980,  
c. 228 (2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in the *Labour Relations Act*.

Application  
of Act **2.**—(1) This Act applies to the parties and to the employees of the employer on whose behalf the union is entitled to bargain with the employer under the *Labour Relations Act*.

Application  
of  
R.S.O. 1980,  
c. 228 (2) Except as modified by this Act, the *Labour Relations Act* applies to the parties and to the employees mentioned in subsection (1).

**3.**—(1) Upon the coming into force of this Act,

Strike  
terminated (a) the strike shall be terminated immediately by the union and the employees;

Return  
to work (b) every employee shall report for work and shall perform his or her duties in accordance with his or her work assignment;

Resumption  
of operations (c) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike  
or lock-out (d) no person, employee or officer, official or agent of the employer or the union shall engage in, declare, authorize or acquiesce in any lock-out, strike or picketing or in any activity contrary to any provision of this Act;

Terms of  
employment  
not to be  
altered (e) the employer shall not, except with the consent of the union, alter the rates of wages of the employees as increased by this Act or any other term or condition of employment, or any right, privilege or duty of the union or the employees, that were in operation on the expiry date; and

Idem (f) the union shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the union or the employees, that were in operation on the expiry date.

Compliance  
with  
subs. (1) (2) Any difference between the parties as to whether or not clauses (1) (e) and (f) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements that were in force on the expiry date

were still in operation, and sections 44 and 45 of the *Labour Relations Act* apply with necessary modifications thereto. R.S.O. 1980, c. 228

4.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 5. Appointment of arbitrator

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 5 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew. Replacement of arbitrator

(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the union to present their evidence and make their submissions. Procedure

(4) The arbitrator has all the powers of an arbitrator under the *Labour Relations Act*. Powers of arbitrator

5.—(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the union immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties. Duty of arbitrator

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator's jurisdiction until collective agreements between the employer and the union are in effect. Arbitrator to remain seized of matters in dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the union agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to, Agreement upon some matters

(a) the matters not agreed upon between the employer and the union; and

(b) any further matters that the employer and the union agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The collective agreements between the parties shall be for periods in each case commencing on the day immediately Term of agreements



following the expiry date and expiring with the second anniversary of the expiry date.

Decision of  
arbitrator

(5) The arbitrator's decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

Decision  
binding

**6.**—(1) The arbitrator's decision shall be binding upon the employer and the union and the employees.

Execution  
of agreement

(2) Within seven days of the date of the arbitrator's decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator's decision and any agreement of the parties, and the documents thereupon constitute collective agreements.

Preparation  
of agreement  
by arbitrator

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the document to the parties for execution.

Failure to  
execute  
agreement

(4) If the parties, or either of them, fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

R.S.O. 1980,  
cc. 25, 484  
not to apply

**7.** The *Arbitrations Act* and Part I of the *Statutory Powers Procedure Act* do not apply to the arbitration and the arbitrator's decision under this Act.

Hourly rates  
of wages,  
immediate  
increase

**8.** The basic hourly rates of wages for the employees are hereby increased by 50 cents per hour over the basic hourly wage rates in effect on the expiry date, effective in each case from and including the expiry date to and including the first anniversary of the expiry date and the decision of the arbitrator shall include such increase but nothing in this section prevents the arbitrator from granting increases in the basic wage rates in excess of those established by this section.

Application  
of  
R.S.O. 1980,  
c. 228

**9.** Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the *Labour Relations Act* apply to the parties and to the employees with necessary modifications.



**10.**—(1) A person or union who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable, Penalty

(a) if an individual, to a fine of not more than \$1,000;  
or

(b) if the employer or union, to a fine of not more than \$10,000.

(2) Each day that a person or the union contravenes any provision of this Act constitutes a separate offence. Continued offences

**11.**—(1) No prosecution for an offence under this Act shall be instituted except with the written consent of the Minister. Consent

(2) Section 101 of the *Labour Relations Act* does not apply to a prosecution for an offence under this Act. R.S.O. 1980, c. 228, s. 101 not to apply

(3) In a prosecution for an offence under this Act, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature. Evidence of consent

**12.** The employer and the union shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

**13.** This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the later of the two collective agreements made under this Act comes into operation. Commence-ment

**14.** The short title of this Act is the *Wheel-Trans Labour Dispute Settlement Act, 1986*. Short title



# Bill 2

*(Chapter 16  
Statutes of Ontario, 1986)*

**An Act respecting the  
Labour Disputes between All-Way Transportation  
Corporation (Wheel-Trans Division)  
and Local 113, Amalgamated Transit Union**

The Hon. W. Wrye  
*Minister of Labour*

---

<i>1st Reading</i>	April 24th, 1986
<i>2nd Reading</i>	April 25th, 1986
<i>3rd Reading</i>	April 25th, 1986
<i>Royal Assent</i>	April 25th, 1986

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Bill 2

1986

**An Act respecting the  
Labour Disputes between All-Way Transportation  
Corporation (Wheel-Trans Division)  
and Local 113, Amalgamated Transit Union**

Whereas All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union, have been parties to two collective agreements, both of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the *Labour Relations Act*; and whereas the parties have not achieved a settlement of the disputes; and whereas the strike by the union against the employer has caused a cessation of transportation services for the handicapped, rendering travel for the handicapped difficult and causing hardship; and whereas the public interest and welfare require that means be provided to bring the strike to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1980,  
c. 228

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Definitions

“employees” means the employees mentioned in subsection 2 (1);

“employer” means All-Way Transportation Corporation (Wheel-Trans Division);

“expiry date” means the 31st day of December, 1985;

“Minister” means the Minister of Labour;

“parties” means the employer and the union;

“union” means Local 113, Amalgamated Transit Union.



Idem  
R.S.O. 1980,  
c. 228

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in the *Labour Relations Act*.

Application  
of Act

2.—(1) This Act applies to the parties and to the employees of the employer on whose behalf the union is entitled to bargain with the employer under the *Labour Relations Act*.

Application  
of  
R.S.O. 1980,  
c. 228

(2) Except as modified by this Act, the *Labour Relations Act* applies to the parties and to the employees mentioned in subsection (1).

3.—(1) Upon the coming into force of this Act,

Strike  
terminated

(a) the strike shall be terminated immediately by the union and the employees;

Return  
to work

(b) every employee shall report for work and shall perform his or her duties in accordance with his or her work assignment;

Resumption  
of operations

(c) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike  
or lock-out

(d) no person, employee or officer, official or agent of the employer or the union shall engage in, declare, authorize or acquiesce in any lock-out, strike or picketing or in any activity contrary to any provision of this Act;

Terms of  
employment  
not to be  
altered

(e) the employer shall not, except with the consent of the union, alter the rates of wages of the employees as increased by this Act or any other term or condition of employment, or any right, privilege or duty of the union or the employees, that were in operation on the expiry date; and

Idem

(f) the union shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the union or the employees, that were in operation on the expiry date.

Compliance  
with  
subs. (1)

(2) Any difference between the parties as to whether or not clauses (1) (e) and (f) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements that were in force on the expiry date

were still in operation, and sections 44 and 45 of the *Labour Relations Act* apply with necessary modifications thereto. R.S.O. 1980, c. 228

**4.—**(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 5. Appointment of arbitrator

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 5 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew. Replacement of arbitrator

(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the union to present their evidence and make their submissions. Procedure

(4) The arbitrator has all the powers of an arbitrator under the *Labour Relations Act*. Powers of arbitrator

**5.—**(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the union immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties. Duty of arbitrator

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator's jurisdiction until collective agreements between the employer and the union are in effect. Arbitrator to remain seized of matters in dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the union agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to, Agreement upon some matters

(a) the matters not agreed upon between the employer and the union; and

(b) any further matters that the employer and the union agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The collective agreements between the parties shall be for periods in each case commencing on the day immediately Term of agreements

following the expiry date and expiring with the second anniversary of the expiry date.

Decision of  
arbitrator

(5) The arbitrator's decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

Decision  
binding

**6.**—(1) The arbitrator's decision shall be binding upon the employer and the union and the employees.

Execution  
of agreement

(2) Within seven days of the date of the arbitrator's decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator's decision and any agreement of the parties, and the documents thereupon constitute collective agreements.

Preparation  
of agreement  
by arbitrator

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the document to the parties for execution.

Failure to  
execute  
agreement

(4) If the parties, or either of them, fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

R.S.O. 1980,  
cc. 25, 484  
not to apply

**7.** The *Arbitrations Act* and Part I of the *Statutory Powers Procedure Act* do not apply to the arbitration and the arbitrator's decision under this Act.

Hourly rates  
of wages,  
immediate  
increase

**8.** The basic hourly rates of wages for the employees are hereby increased by 50 cents per hour over the basic hourly wage rates in effect on the expiry date, effective in each case from and including the expiry date to and including the first anniversary of the expiry date and the decision of the arbitrator shall include such increase but nothing in this section prevents the arbitrator from granting increases in the basic wage rates in excess of those established by this section.

Application  
of  
R.S.O. 1980,  
c. 228

**9.** Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the *Labour Relations Act* apply to the parties and to the employees with necessary modifications.



**10.**—(1) A person or union who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable, Penalty

(a) if an individual, to a fine of not more than \$1,000;  
or

(b) if the employer or union, to a fine of not more than \$10,000.

(2) Each day that a person or the union contravenes any provision of this Act constitutes a separate offence. Continued offences

**11.**—(1) No prosecution for an offence under this Act shall be instituted except with the written consent of the Minister. Consent

(2) Section 101 of the *Labour Relations Act* does not apply to a prosecution for an offence under this Act. R.S.O. 1980, c. 228, s. 101 not to apply

(3) In a prosecution for an offence under this Act, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature. Evidence of consent

**12.** The employer and the union shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

**13.** This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the later of the two collective agreements made under this Act comes into operation. Commence-ment

**14.** The short title of this Act is the *Wheel-Trans Labour Dispute Settlement Act, 1986*. Short title





# Bill 3

## **An Act for the Provision and Integration of Community Based Services for Seniors**

Mr. Warner

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*1st Reading*      April 30th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

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## EXPLANATORY NOTES

The Bill creates a framework for the provision of community based support services for seniors and the integration of these services with established programs and facilities. It is intended that the support services will give seniors greater independence and will prevent their unnecessary institutionalization by giving them access to programs that will assist them in carrying out day-to-day tasks.

The Bill allows the responsible Minister to establish community health and social service centres in each municipality, whose functions include the provision of support services for seniors. Where possible, the centres would be integrated with community health facilities established by the regulations under the *Ministry of Health Act* or with centres approved under the *Elderly Persons Centres Act*. The Bill also permits the Minister to provide support services through agreements with non-profit organizations or municipalities.

The support services contemplated by the Bill are listed in subsection 7 (2). In addition to the services provided directly to seniors, the Bill provides for assistance to individuals who have assumed responsibility for the care of seniors, through counselling and arranging for respite care.

**Bill 3****1986**

**An Act for the Provision and Integration of  
Community Based Services for Seniors**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. The purposes of this Act are,** Purposes

- (a) to promote the independence, dignity and well-being of seniors;
- (b) to prevent unnecessary institutionalization of seniors;
- (c) to provide a continuum of support services for seniors in accordance with their changing needs and their individual circumstances;
- (d) to ensure that support services are provided to seniors in a manner that allows them to be an integral part of the community in which they live; and
- (e) to assist family members and other individuals who have assumed responsibility for the care of seniors.

**2. In this Act,** Definitions

“community health and social service centre” means a community health and social service centre established under section 4;

“community program” means a program or service for seniors that is not provided as a support service under this Act and includes a program or service provided by a non-profit organization;

“health services” includes the services of a chiropodist registered under the *Chiropody Act*;

"Minister" means the minister of the Crown who is designated under section 3;

"prescribed" means prescribed by the regulations made under this Act;

"senior" means a person sixty years of age or older;

"support service" means a support service mentioned in subsection 7 (2).

Responsible  
minister

**3.** The Lieutenant Governor in Council may by order designate a minister of the Crown as the minister responsible for the administration of this Act.

Community  
health and  
social service  
centre

**4.—(1)** The Minister may establish community health and social service centres in particular municipalities.

Integration of  
facilities

R.S.O. 1980,  
cc. 280, 131

(2) Where possible, a centre established under subsection (1) shall be integrated with community health facilities established by the regulations under the *Ministry of Health Act* or with approved centres under the *Elderly Persons Centres Act*.

Functions of  
community  
health and  
social service  
centre

(3) The functions of a community health and social service centre are,

- (a) to provide support services;
- (b) to co-ordinate the community programs available in the municipality in order to eliminate gaps and duplication in the provision of community programs and support services;
- (c) to assist seniors in gaining access to community programs and support services;
- (d) to serve as a base from which home help programs are carried out;
- (e) to provide office space and administrative support to non-profit organizations that provide community programs;
- (f) to advocate the interests of seniors as a group within the community;
- (g) to develop programs to facilitate the de-institutionalization of seniors; and



- (h) to carry out such programs as may be prescribed by or under this or any other Act.

**5.** Where the Minister provides support services in a municipality, the support services,

Provision of  
services

- (a) shall, unless it is impractical to do so, be provided by a community health and social service centre;
- (b) shall be aimed at encouraging seniors' independence; and
- (c) shall be co-ordinated and organized so that a senior may obtain information about, or access to, any community program or support service available in the municipality through a single telephone call.

**6.—(1)** If it is impractical for support services to be provided by a community health and social service centre in a municipality, the Minister may make agreements with non-profit organizations and municipalities for the provision of support services.

Provision of  
services other  
than through  
community  
health and  
social service  
centres

**(2)** The Minister may enter into agreements with other ministers for the provision of support services or the integration of support services and community programs.

Agreements  
between  
ministries

**7.—(1)** Where the Minister provides support services in a municipality, every senior in the municipality is entitled to those support services without regard to his or her financial resources.

Universal  
access to  
support  
services

**(2)** The following support services may be provided to seniors and to such other classes of persons as may be prescribed:

Support  
services

1. Individual evaluations and counselling.
2. Social, recreational and exercise programs.
3. Meal programs.
4. Medical, health, psychological and dental services, including referrals and follow-up programs.
5. Educational programs, including, but not limited to, preventive medical and dental counselling, nutritional counselling and financial counselling.



6. Information and referral services regarding local community programs, including programs involving seniors' advocates.
7. Interpretation services.
8. Full or part-time day programs that incorporate social activities and rehabilitative care.
9. Home help programs.
10. Assistance in the performance of routine tasks away from the senior's home.
11. Daily contact by telephone or in person.
12. Transportation services.
13. Temporary short-term or long-term care to provide respite for the family members or other individuals who have assumed responsibility for the care of a senior without remuneration.
14. Emergency respite services.
15. Counselling and other assistance for the family members and other individuals mentioned in paragraph 13.
16. A service that is prescribed as a support service.

Provision  
of support  
services at  
home

(3) Where appropriate, a support service mentioned in subsection (2) may be provided in the senior's home.

Respite  
care

(4) Respite care provided under paragraph 13 or 14 of subsection (2) shall be provided in a manner that encourages the senior's independence.

Report to  
Minister

**8.**—(1) Every person responsible for the provision of a support service shall make a report to the Minister, whenever the Minister requests it, in the form and containing the information specified by the Minister.

Public access  
to report

(2) Subject to subsection (3), every person has a right of access to a report provided to the Minister under subsection (1).

Confiden-  
tiality

(3) The Minister shall not disclose information from a report in a way that identifies the senior or other person

receiving a support service to whom the information relates, except with the consent of that person.

**9.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing programs to be carried out at community health and social centres;
- (b) prescribing classes of persons for the purposes of subsection 7 (2);
- (c) prescribing services as support services;
- (d) governing the accommodation, facilities and equipment to be provided,
  - (i) in buildings in which support services are provided, and
  - (ii) in the course of the provision of support services;
- (e) prescribing the qualifications, powers and duties of persons employed in providing support services or any class of support services;
- (f) requiring persons responsible for providing support services to keep records and prescribing the form and content of those records;
- (g) prescribing forms and providing for their use.

**10.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

**11.** The short title of this Act is the *Seniors' Independence Act, 1986*. Short title



# Bill 4

## **An Act respecting Advertising by Governmental Organizations**

Mr. Foulds

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*1st Reading*      April 22nd, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

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#### EXPLANATORY NOTE

The purpose of the Bill is to control the type of advertising placed by the Government of Ontario in broadcasting and print media. The Bill prohibits the placement of advertisements by the Government of Ontario that have the effect of promoting directly or indirectly the political party to which the members of the Executive Council belong. The Bill authorizes the Commission on Election Contributions and Expenses to receive and inquire into complaints concerning government advertising. If the Commission determines that a government advertisement does directly or indirectly promote the political party to which the members of the Executive Council belong, the Government of Ontario must immediately withdraw the advertisement from further use.



Bill 4

1986

## An Act respecting Advertising by Governmental Organizations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Definitions

“Commission” means the Commission on Election Contributions and Expenses established under the *Election Finances Reform Act*;

R.S.O. 1980,  
c. 134

“governmental organization” means a ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof.

### 2. No governmental organization shall,

Political  
advertising  
by  
government  
prohibited

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

if the effect of the advertisement is to promote directly or indirectly the political party to which the members of the Executive Council belong.

3.—(1) An advertisement placed by a governmental organization promotes the political party to which the members of the Executive Council belong if,

Prohibited  
government  
advertising

- (a) the advertisement contains a logo, slogan, motto or name that is similar to or likely to be identified with a logo, slogan, motto or name of the political party;

- (b) the advertisement features a photograph or voice recording of a member of the Executive Council; or
- (c) the advertisement contravenes guidelines on government advertising established by the Commission.

**Guidelines**

(2) The Commission shall, within one year after the day on which this Act comes into force, establish guidelines for governmental organizations to assist such organizations in complying with section 2 when placing government advertisements.

**Complaint**

**4.**—(1) Where a person believes that a government advertisement contravenes section 2, the person may file a complaint in writing with the Commission concerning the advertisement.

**Report**

(2) The Commission shall inquire into every complaint and shall make a report within twenty-one days after the complaint was filed to the Speaker of the Assembly or, if the Assembly is dissolved, to the Chief Election Officer indicating whether or not, in the opinion of the Commission, the government advertisement promotes directly or indirectly the political party to which the members of the Executive Council belong.

**Withdrawal  
of  
advertis-  
ment**

(3) Where the Commission determines that a government advertisement contravenes section 2, the governmental organization that placed the advertisement shall immediately cease to broadcast or publish the advertisement and, where possible, shall withdraw the advertisement from existing uses.

**Public  
examination  
of report**

(4) Upon receipt of the Commission's report, the Speaker or the Chief Election Officer, as the case may be, shall provide a copy of the report to the person who filed the complaint, shall make the report available for public examination and shall cause the report to be tabled in the Assembly if it is in session or, if not, at the commencement of the next ensuing session.

**Commence-  
ment**

**5.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**6.** The short title of this Act is the *Government Advertising Control Act, 1986*.

# Bill 5

## **An Act to amend the Election Finances Reform Act**

**Mr. Foulds**

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The purpose of the Bill is to prohibit advertising by the Government of Ontario during a provincial election campaign. The Bill contains exemptions from the general prohibition for advertising related to the administration of the election and advertising required for emergency purposes.

## Bill 5

1986

**An Act to amend the Election Finances Reform Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

**38a.**—(1) The Government of Ontario shall not, during the period between the day the writ for an election is issued and polling day, Limitation  
on  
government  
advertising

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for any purpose.

(2) Subsection (1) does not apply,

Exceptions

- (a) to any advertisement respecting the enumeration and revision of lists of voters or respecting any other matter in relation to the administration of the election; and
- (b) to any advertisement required for emergency purpose, the subject-matter of which is approved before the advertisement is broadcast or published by the leader of each political party represented in the Assembly at the time the writ for the election was issued.



Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Election Finances Reform Amendment Act, 1986*.

# Bill 6

## **An Act respecting the Rights of Non-Unionized Workers**

**Mr. Haggerty**

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*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTE

The purpose of the Bill is to provide a low cost mechanism whereby a non-unionized worker may obtain a review by the Ontario Labour Relations Board where the worker is discharged or otherwise disciplined for cause and the contract of employment is silent on matters of discipline. At the present time, a non-unionized worker who is dismissed or otherwise disciplined for cause may have no right of action against his employer notwithstanding the fact that the discipline is, having regard to all of the circumstances, unduly harsh.

The Bill provides a two stage process for reviewing complaints involving harsh discipline. Initially, a labour relations officer would be appointed to effect a settlement which would be reduced to writing and which would have to be complied with according to its terms. Then, if no settlement is reached, or where settlement is not likely, the Ontario Labour Relations Board would inquire into the matter. The Board, if satisfied that the complaint is justified, will have the power to make an order substituting such penalty as is just and reasonable in the circumstances.

## Bill 6

1986

**An Act respecting  
the Rights of Non-Unionized Workers**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Definitions

“Board” means the Ontario Labour Relations Board;

“complaint” means a complaint filed with the Board under subsection 2 (1).

**2.—(1)** Where an employee who has been discharged or otherwise disciplined for cause by his employer is of the opinion that the penalty is unduly harsh and where the employee’s contract of employment is not governed by a collective agreement under the *Labour Relations Act* and does not contain a specific penalty for the infraction for which the discharge or other discipline was imposed, the employee may file a complaint with the Board.

Complaint  
to  
O.L.R.B.R.S.O. 1980,  
c. 228

(2) Any regulations governing the practice and procedure of the Board apply with necessary modifications to a review under subsection 3 (2) and to a complaint.

Procedure

(3) The Board may authorize a labour relations officer to inquire into a complaint.

Inquiry  
by labour  
relations  
officer

(4) The labour relations officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter.

Duties

(5) The labour relations officer shall report the results of his inquiry and endeavours to the Board.

Report

(6) Where a labour relations officer is unable to effect a settlement of the complaint or where the Board in its discretion considers it advisable to dispense with an inquiry by a labour

Remedy

relations officer, the Board may inquire into the complaint and where the Board is satisfied that the discharge or other discipline imposed was unduly harsh, the Board may, by order, substitute such other penalty for the discharge or other discipline as to the Board seems just and reasonable in all the circumstances.

Idem

(7) Without limiting the generality of subsection (6),

- (a) where an employee has been discharged, the Board, in an order made under subsection (6), may order that the employee be reinstated in employment, with or without compensation or that the employee be compensated in lieu of reinstatement for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer;
- (b) where an employee has been suspended, the Board, in an order made under subsection (6), may order that the employee be compensated for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer.

Effect of  
settlement

**3.**—(1) Where a complaint has been settled whether through the endeavours of the labour relations officer or otherwise, and the terms of the settlement have been put in writing and signed by the employer or his representative and the employee, the settlement is binding upon the employer and the employee and shall be complied with according to its terms.

Review of  
settlement

(2) Where either the employer or the employee alleges that the other party has breached any term of a settlement referred to in subsection (1), the employer or the employee, as the case may be, may apply to the Board for a review of the matter and the Board, after an inquiry, may order that,

- (a) the employee or employer comply with the terms of the settlement; or
- (b) vary the terms of the settlement and order compliance with the terms of the settlement as varied.

Enforce-  
ment of  
orders

**4.** Where either the employer or the employee has failed to comply with any of the terms of an order made under subsection 2 (6) or subsection 3 (2) the other party may, after the expiration of fourteen days from the date of the order or the date provided in the order for compliance, whichever is later,



notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the order, exclusive of the reasons therefor, if any, in the prescribed form, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such.

**5.** The rights conferred by this Act are in addition to any other rights that an employee may have at law but, where a complaint is filed, any action brought by the employee in a court of law related to the discharge or discipline of the employee may be stayed pending the disposition of the matter by the Board. No  
derogation  
of rights

**6.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**7.** The short title of this Act is the *Non-Unionized Workers Protection Act, 1986*. Short title



The following table shows the results of the experiments conducted on the 1st and 2nd of June 1818.

The first experiment was conducted on the 1st of June 1818.

The second experiment was conducted on the 2nd of June 1818.

1818

The following table shows the results of the experiments conducted on the 1st and 2nd of June 1818.

1818

The following table shows the results of the experiments conducted on the 1st and 2nd of June 1818.



# Bill 7

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

**The Hon. I. Scott**  
*Attorney General*

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*1st Reading*      April 22nd, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

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## EXPLANATORY NOTES

This Bill amends various provisions of the statutes to conform to section 15 of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*, as follows:

### *Age*

**SECTION 2.** *Apprenticeship and Tradesmen's Qualification Act.* A provision requiring an employer to notify any employee under twenty-one years of age of an apprentice training program is repealed.

**SECTION 4.—Subsection 1.** *Children's Law Reform Act.* Consent to a blood test for a minor in determining parentage is presently based on age; only those minors sixteen years of age or more can consent to such a test. The amendment provides that anyone who understands the procedure can consent to it.

**SECTION 12.—Subsection 1.** *Education Act.* A provision that makes binding a contract for repayment of a provincial student loan made by a person under twenty-one is repealed.

**SECTION 13.—Subsection 2.** *Election Act, 1984.* The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

**SECTION 15.—Subsection 1.** *Family Law Reform Act.* This repeals the capacity of a minor who is a spouse to commence, conduct or defend a proceeding without a next friend or guardian *ad litem*.

**SECTION 16.** *Forest Fires Prevention Act.* A provision giving an officer the right to summon the assistance of physically fit males between eighteen and sixty years of age to control a fire is amended to apply to both sexes over eighteen years of age, with no upper age limit.

**SECTION 18.** *Human Tissue Gift Act.* The minimum age for giving a consent is changed from the age of majority to sixteen years. The minimum age requirement for a substitute consent is removed. For the purpose of a consent by a spouse, the definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 19.—Subsection 3.** *Junior Farmer Establishment Act.* A requirement that an applicant for a loan be at least eighteen and no more than thirty-five years old is removed.

**SECTION 20.—Subsection 3.** *Juries Act.* A provision that a person can elect not to serve on a jury because of advanced age or blindness is repealed.

**SECTION 24.** *Law Society Act.* The Act, which provides for suspension for incapacity for any cause, is amended to remove a specific reference to age as a ground.

**SECTION 28.—Subsection 4.** *Loan and Trust Corporations Act.* The Act prohibits a loan to any child under twenty-one years of age who is individually or as part of a family group a substantial shareholder. The amendment removes the age reference.

**SECTION 31.—Subsection 1.** *Mental Health Act.* The definition of "nearest relative" (used for establishing who may consent to certain acts) is amended by changing the age for capacity to consent from the age of majority to sixteen years. The definition of "spouse" for this purpose is also expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

**Subsection 2.** The age for capacity to consent to disclosure of a clinical record is changed from the age of majority to sixteen years.

**Subsection 4.** The age for capacity to consent to treatment is changed from the age of majority to sixteen years.

**SECTION 34. *Motorized Snow Vehicles Act.*** The minimum age required to drive a motorized snow vehicle across a highway is raised from fourteen to sixteen years.

**SECTION 35.—Subsection 2. *Municipal Act.*** The Act, which provides for gratuities for fire fighters who have become incapacitated for a number of reasons including old age, is amended to delete the specific reference to age. The section, which also provides for gratuities to widows and children of firefighters killed while on duty, is amended to change “widows” to “surviving spouses”.

**Subsection 3.** The Act empowers a municipality to make by-laws concerning the sale of fireworks to any person under an age to be prescribed by the by-law. It is amended by specifying the age as twelve years.

**SECTION 38.—Subsection 2. *Municipal Elections Act.*** The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

**SECTION 39.—Subsection 1. *Municipal Health Services Act.*** A provision that a municipal council may levy and collect a personal tax in respect of every male and female resident seventeen years of age or over is amended to remove “male and female” and to change the age to eighteen years.

**Subsection 2.** Liability for payment of this tax is presently fixed against a parent in respect of a dependent seventeen year old and against a husband in respect of his wife. The former is repealed and the latter amended to make the liability apply to either spouse in respect of the other.

**SECTION 40.—Subsections 3 and 4. *Municipality of Metropolitan Toronto Act.*** In a provision concerning establishing priority as between classes of occupants of property on Algonquin or Ward’s Island, a specific reference to the age of the occupant as a factor to be considered is removed. The factors remaining are the occupant’s length of residence and any other factors the City of Toronto considers relevant.

**SECTION 45. *Ophthalmic Dispensers Act.*** The Act requires an applicant for registration to be over twenty-one years of age and of good moral character. This is repealed.

**SECTION 47. *Pawnbrokers Act.*** The Act prohibits a pawnbroker from employing or permitting anyone under sixteen years of age to take any pledge in pawn. This is repealed.

**SECTION 51. *Private Investigators and Security Guards Act.*** The minimum age to be a private investigator is changed from twenty-one years to eighteen years.

**SECTION 56. *Settled Estates Act.*** The provision that a married woman may make or consent to or oppose any application whether or not she is of full age is repealed.

**SECTION 57. *Statute Labour Act.*** The Act sets the liability for males over eighteen and under sixty years of age to statute labour. The amendments substitute “person” for “male” and remove the upper age limit.

#### *Citizenship*

**SECTION 12.—Subsections 2, 3, 4 and 5. *Education Act.*** Provisions concerning public or separate school electors, which require an elector to be a Canadian citizen or other British subject are amended to remove reference to a British subject. Commencement of these provisions is postponed until July 1, 1988.

**SECTION 38.—Subsections 3, 4, 6 and 7. *Municipal Elections Act.*** Provisions that an elector must be a Canadian citizen or other British subject are amended to remove ref-

erence to a British subject. Commencement of these provisions is postponed until July 1, 1988.

### *Disability*

**SECTION 20.** *Juries Act.* See under "age", above.

**SECTION 31.—Subsection 5.** *Mental Health Act.* An involuntary patient determined to be not mentally competent for the purpose of consent to treatment is given the right to apply to have that determination reviewed, with any treatment delayed until the outcome of the application is finally determined. Where a person who claims to be, but is not married to the patient or a person of the opposite sex living with the patient outside marriage in a conjugal relationship of at least one year's duration and that person gives a consent to treatment, the consent is made valid if the person who acted upon the consent had no reason not to believe the claim.

**SECTION 38.—Subsections 5, 8 and 9.** *Municipal Elections Act.* A provision disqualifying from voting a person who is a patient in a psychiatric facility and found incompetent is repealed. Psychiatric facilities are added to the list of places which are required to have polling places. See under "general", below for provisions relating to judges and inmates of penal institutions.

### *Marital Status*

**SECTION 1.** *Absentees Act.* The Act provides that the Attorney General, the next-of-kin, the wife or husband, creditor or other person may apply for an order declaring a person to be an absentee. The amendment removes the reference to wife or husband and puts in its place the person of the opposite sex to whom the absentee was married or with whom the absentee was living in a conjugal relationship outside marriage.

**SECTION 3.** *Business Corporations Act, 1982.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 4.—Subsection 2.** *Children's Law Reform Act.* Under the Act, where a person is under a duty to pay specified amounts of money to a child, payment directly to the child discharges that duty only if the child is married. Under the amendment, the child would be paid directly if the child had a legal obligation to support another person.

**Subsection 3.** The Act allows a married child to apply for an end to his or her guardianship. The amendment repeals that provision and allows a child who has a legal obligation to support another person to so apply.

**Subsection 4.** The Act allows a married minor to apply in or respond to an action under Part III (custody, access and guardianship). The amendment repeals that provision and allows a minor who is a parent to so apply or respond.

**SECTION 5.** *Compensation for Victims of Crime Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 6.** *Conveyancing and Law of Property Act.* In several sections references to "husband", "wife" and "married woman" are removed. There is no substantive change because the sections presently apply to any person.

**SECTION 7.** *Co-operative Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.



**SECTION 8. *Coroners Act.*** The definition of "spouse" is expanded to include a person with whom the deceased was living immediately before death outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 9. *Corporations Act.*** The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "associate".

**SECTION 10. *Credit Unions and Caisses Populaires Act.*** The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "related person".

**SECTION 13.—Subsection 1. *Election Act, 1984.*** In a provision specifying who may apply on behalf of an elector to obtain a certificate to vote, the definition of "spouse" is expanded to include a person of the opposite sex with whom the elector is living outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 14.—Subsection 1. *Execution Act.*** "Spouse" is defined for all purposes of the Act to include a person of the opposite sex living with a person in a conjugal relationship outside marriage.

**Subsection 2.** The Act provides that after the death of the debtor, chattels exempt from seizure can be retained by the debtor's widow or family, for their benefit. The amendment substitutes "surviving spouse" for widow, so the provision would apply to surviving spouses of both sexes, whether married or not.

**Subsection 3.** The Act provides that the debtor, his widow or family may select out chattels exempt from seizure. The amendment substitutes "surviving spouse" for "widow".

**SECTION 15.—Subsection 1. *Family Law Reform Act.*** See under "age", above.

**SECTION 17. *Fraudulent Debtors Arrest Act.*** The provision repealed is: "A married woman is not liable to arrest on mesne or final process".

**SECTION 18. *Human Tissue Gift Act.*** See under "age", above.

**SECTION 19.—Subsections 1 and 2. *Junior Farmer Establishment Act.*** The definition of "family farm" is broadened to include a farm operated by a junior farmer and a spouse, and "spouse" is defined to include a person of the opposite sex to whom the person is living in a conjugal relationship outside marriage.

**SECTION 20.—Subsection 1. *Juries Act.*** The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of determining ineligibility to serve under subsection 3 (1).

**Subsection 2.** A person who claims ineligibility to serve on a jury because of living in a conjugal relationship outside marriage with a judge, justice of the peace, lawyer, student-at-law or person engaged in enforcing the law must file a declaration of spousal status.

**Subsection 4.** The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that spouses may not be on the same jury list.

**SECTION 23. *Landlord and Tenant Act.*** "Spouse" is defined to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year's duration. References to "husband" or "wife" in the Act are changed to "spouse". Three provisions under which a landlord requires premises for a spouse are amended to require of unmarried spouses a declaration of spousal status.

**SECTION 28.—Subsections 1, 2, 3 and 5.** *Loan and Trust Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate” and “related person” and of establishing what investments are prohibited.

**SECTION 30.** *McMichael Canadian Collection Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, with regard to burial of an artist or spouse of the artist.

**SECTION 31.—Subsection 1.** *Mental Health Act.* See under “age”, above.

**Subsection 3.** This subsection makes valid a consent to disclosure of a clinical record given by a person who claims to be, but is not married to the patient or a person of the opposite sex living with the patient outside marriage in a conjugal relationship of at least one year’s duration if the person who acted upon the consent had no reason not to believe the claim.

**Subsection 5.** See under “disability”, above.

**SECTION 33.** *Mental Incompetency Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, and “spouse” is substituted for “husband or wife”, in a provision allowing any person, including a husband or wife, to apply for a declaration of mental incompetency in respect of another person.

**SECTION 35.—Subsection 1.** *Municipal Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration, for all purposes of the Act.

**Subsection 2.** See under “age”, above.

**Subsection 4.** A provision that a spouse’s goods may be seized where those goods are on land subject to tax arrears is amended to include a “spouse” as defined in subsection (1).

**SECTION 36.** *Municipal Conflict of Interest Act, 1983.* The definition of spouse is expanded to include a person of the opposite sex living with the person in a conjugal relationship outside marriage. The Act now includes some common law spouses but is more restrictive.

**SECTION 37.** *Municipal Elderly Resident’s Assistance Act.* The definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

**SECTION 38.—Subsections 1, 10 and 11.** *Municipal Elections Act.* The definition of “spouse” is expanded to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration for all purposes of the Act.

**SECTION 39.—Subsection 2.** *Municipal Health Services Act.* See under “age”, above.

**SECTION 40.—Subsections 5 and 6.** *Municipality of Metropolitan Toronto Act.* In a provision concerning the rights of a surviving spouse of an occupant of property on Algonquin or Ward’s Island to remain on the property, the definition of spouse is expanded to include a person who was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death and the spouse is required to make a declaration of spousal status to so remain. The Act now defines spouse as in section 14 of the *Family Law Reform Act*.

**SECTION 41.** *Non-resident Agricultural Land Interests Registration Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a



person lives in a conjugal relationship outside marriage, in defining "ordinarily resident in Canada".

**SECTION 42.** *Ontario Energy Board Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "associate".

**SECTION 43.** *Ontario Mineral Exploration Program Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "associate".

**SECTION 44.** *Ontario Youth Employment Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "related person".

**SECTION 46.** *Partnerships Act.* The Act provides that a surviving spouse or child of a deceased partner who receives by way of annuity a portion of the profits of the deceased partner's business is not by reason of such receipt a partner or liable as such. The amendment makes the provision apply also to a person of the opposite sex with whom the partner was living in a conjugal relationship outside marriage.

**SECTION 48.** *Perpetuities Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives outside marriage in a conjugal relationship of at least one year's duration, with regard to a disposition in favour of a spouse. The definition of "spouse" in the Act now includes some common law spouses, but is more restrictive.

**SECTION 50.** *Powers of Attorney Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that if a power of attorney may be exercised during any subsequent legal incapacity of the donor, the power shall be executed in the presence of a witness other than the attorney or the attorney's spouse.

**SECTION 52.** *Public Lands Act.* The Act provides that lands are not to be liable for debts incurred before the issue of letters patent by the purchaser, his widow, heirs or devisees. The amendment deletes reference to the widow.

**SECTION 55.** *Securities Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "associate" and in a provision exempting from prospectus requirements a spouse of the issuer if the spouse has access to substantially the same information concerning the issuer that a prospectus would provide.

**SECTION 56.** *Settled Estates Act.* See under "age", above.

**SECTION 58.** *Surrogate Courts Act.* The Act provides that where a person dies intestate or the executor refuses to prove the will, the court may in its discretion commit administration to the husband, the wife, the next-of-kin or the wife and next-of-kin. The amendment substitutes "spouse" for "husband" and "wife" and expands "spouse" to include a person of the opposite sex with whom the person is living in a conjugal relationship outside marriage.

### *Religion or Creed*

The following oaths are amended to permit an affirmation:

**SECTION 11.** *Crown Timber Act,* for an examiner and a scaler.

**SECTION 21.** *Justices of the Peace Act,* for a justice of the peace.

**SECTION 22.—Subsection 2.** *Labour Relations Act,* for a conciliation board member.

**SECTION 26.** *Legislative Assembly Act*, for a committee witness and an employee of the Office of the Assembly.

**SECTION 29.** *Lord's Day (Ontario) Act*. The Act empowers municipalities to pass by-laws allowing people to engage in various activities otherwise disallowed under the *Lord's Day Act* (Canada). The *Lord's Day Act* (Canada) has been ruled of no force and effect by the Supreme Court of Canada.

**SECTION 49.** *Police Act*, for a police chief, police officer or constable.

**SECTION 53.** *Public Officers Act*. The oath of a public officer is amended to permit an affirmation.

**SECTION 54.** *Public Service Act*, for a civil servant.

*Sex*

**SECTION 6.** *Conveyancing and Law of Property Act*. See under "marital status", above.

**SECTION 14.—Subsections 2 and 3.** *Execution Act*. See under "marital status", above.

**SECTION 15.—Subsection 2.** *Family Law Reform Act*. Subsection 68 (1) of the Act now reads as follows:

68.—(1) *Subject to subsection (2), a child who is a minor,*

(a) *takes the domicile of his or her parents, where both parents have a common domicile;*

(b) *takes the domicile of the parent with whom the child habitually resides, where the child resides with one parent only;*

(c) *takes the domicile of the father, where the domicile of the child cannot be determined under clause (a) or (b); or*

(d) *takes the domicile of the mother, where the domicile of the child cannot be determined under clause (c).*

It is amended by repealing clauses (c) and (d) and substituting for them a provision that if clauses (a) and (b) do not apply the child's domicile shall be that of the person with custody, or failing and where possible that it shall be determined as if the child were an adult, and failing that it shall be the jurisdiction with which the child has the closest connection.

**SECTION 16.** *Forest Fires Prevention Act*. See under "age", above.

**SECTION 17.** *Fraudulent Debtors Arrest Act*. See under "marital status", above.

**SECTION 20.—Subsection 5.** *Juries Act*. A provision allowing a judge to make an order for an all male or an all female jury is repealed.

**SECTION 25.** *Legal Aid Act*. The following provision is repealed:

"A certificate shall not be issued to a person in proceedings wholly or partly in respect of defamation or loss of service of a female in consequence of rape."

**SECTION 27.** *Libel and Slander Act*. A provision dispensing with proof of special damage in an action arising from the imputing of unchastity or adultery of a woman is repealed.

**SECTION 32.** *Mental Hospitals Act.* A provision that a man is liable for maintenance of his wife where his wife is a patient is amended to apply equally to both sexes.

**SECTION 35.—Subsection 2.** *Municipal Act.* See under “age”, above.

**SECTION 39.—Subsections 1 and 2.** *Municipal Health Services Act.* See under “age”, above.

**SECTION 40.—Subsections 1 and 2.** *Municipality of Metropolitan Toronto Act.* The provisions concern the right of a child of a sole supporting mother to attend school without paying a fee. The amendment is made to apply in respect of a sole supporting father as well.

**SECTION 52.** *Public Lands Act.* See under “marital status”, above.

**SECTION 56.** *Settled Estates Act.* See under “age”, above.

**SECTION 57.** *Statute Labour Act.* See under “age”, above.

**SECTION 58.** *Surrogate Courts Act.* See under “marital status”, above.

#### *General*

**SECTION 22.—Subsections 1, 3 and 4.** *Labour Relations Act.* Several provisions of this Act which prohibit discrimination on the basis of a number of named grounds are expanded to prohibit discrimination on the basis of any ground not allowed by the *Human Rights Code, 1981* or by section 15 of *Canadian Charter of Rights and Freedoms*.

**SECTION 38.—Subsections 5 and 9.** *Municipal Elections Act.* A provision that a judge may not vote is repealed. Inmates of penal institutions who are not under sentence are no longer disqualified from voting and are added to the list of people who may vote by proxy. Inmates of penal institutions who are under sentence are, as previously, disqualified from voting. See under “disability”, above, with regard to patients in psychiatric facilities who are found incompetent.





Bill 7

1986

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(2) The application for the order may be made by,

Application,  
who may  
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

**2. Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.**

**3. Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:**



43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Consent  
where  
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

**(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:**

- (a) the child, if the child has a legal obligation to support another person.

**(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".**

**(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".**

**5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

- (fa) "spouse" means,
  - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

**(2) Subsection 1 (2) of the said Act is repealed.**

**6.—**(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

**7.** Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

- 24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**8.** Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (e) “spouse” means a person of the opposite sex to whom the deceased was married immediately before the death of the deceased or with whom the deceased was living outside marriage in a conjugal relationship of at least one year’s duration immediately before the death.

**9.—**(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

**(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:**

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

**10. Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (r) "related person", where used to indicate a relationship with any person, means,
  - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
  - (ii) any son or daughter of the person, or
  - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

**11.—(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Oath of  
examiners

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

I, ..... do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

**(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:**

Scaler's  
oath

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form:



I, ..... do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

**12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.**

**(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:**

(1) In this section and in sections 65 and 66, “public school electors” in respect of territory without municipal organization means, Public  
school  
electors

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

**(3) Paragraph 3 of subsection 65 (7) of the said Act is repealed and the following substituted therefor:**

3. I am a Canadian citizen.

**(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:**

(a) is a Canadian citizen.

**(5) Subsection 97 (6) of the said Act is amended by striking out “or other British subject” in the second and third lines.**

**13.—(1) Section 22 of the *Election Act*, 1984, being chapter 54, is amended by adding thereto the following subsection:**

(3) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration. Interpretation

(2) Subsection 32 (1) of the said Act is amended by striking out "sixteen" in the third line and inserting in lieu thereof "eighteen".

**14.—**(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (c) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of  
exempted  
goods after  
death of  
debtor

**5.—**(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.

Idem

(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family.

Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit.

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

**15.—**(1) Subsection 2 (4) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clauses 68 (1) (c) and (d) of the said Act are repealed and the following substituted therefor:

- (c) takes the domicile of the person who has legal custody of the child, where one person has legal custody or the persons with legal custody have the same domicile and the domicile of the child cannot be determined under clause (a) or (b);
- (d) takes the domicile of the person with whom the child habitually resides, where the persons with legal custody have different domiciles, the child habitually resides with one of them and the domicile of the child cannot be determined under clause (c);



- (e) takes domicile in the same manner as if the child were of full age where the child's intention can be ascertained and where the domicile of the child cannot be determined under clause (d); or
- (f) takes domicile in the jurisdiction with which the child has the closest connection, where the domicile of the child cannot be determined under clause (e).

**16.** Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

**17.** Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

**18.—(1)** Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(2) Subsection 3 (2) of the said Act is amended by striking out "majority" in the second line and in the seventh line and inserting in lieu thereof in each instance "sixteen years".

(3) Subsection 4 (1) of the said Act is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(4) Subsection 4 (2) of the said Act is amended by striking out "majority" in the second line and in the fifth line and inserting in lieu thereof in each instance "sixteen years".

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section, "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

"spouse"  
defined

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person's death is imminent,

Consent by  
spouse, etc.,  
for use of  
body  
after death

- (a) the person's spouse; or
- (b) if none or if the spouse is not readily available, any one of the person's children; or
- (c) if none or if none is readily available, either one of the person's parents; or
- (d) if none or if neither is readily available, any one of the person's brothers or sisters; or
- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

**19.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (e) "family farm" means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

**(2) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ja) "spouse" means a person of the opposite sex to whom the person is married or with whom the per-

son is living in a conjugal relationship outside marriage.

**(3) Clause 12 (1) (a) of the said Act is repealed.**

**20.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom that person is living in a conjugal relationship outside marriage.

**(2) Section 3 of the said Act is amended by adding thereto the following subsection:**

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

Declaration  
of unmarried  
spouses

**(3) Subsection 4 (2) of the said Act is repealed.**

**(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:**

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Panel  
list

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

Idem

**(5) Section 34 of the said Act is repealed.**

**21. Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".**

**22.—(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality,**



ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

1981, c. 53

(b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*.

(4) Subsection 127 (5) of the said Act is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*".

**23.—**(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ca) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

(2) Subsection 31 (2) of the said Act is amended by striking out "wife, husband" in the seventeenth line and inserting in lieu thereof "spouse".

(3) Section 105 of the said Act is amended by adding thereto the following subsection:

Declaration  
for  
unmarried  
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

Declaration  
for  
unmarried  
spouse

(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

Declaration  
for  
unmarried  
spouse

**24.** Section 35 of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is amended by striking out "age" in the fourth line.

**25.** Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is repealed.

**26.—(1)** Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after "swear" in the second line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Form 3 of the said Act is amended by inserting after "swear" in the second line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

**27.** Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.



**28.—**(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in clauses (a) and (aa), who has the same home as that person; or

. . . . .

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**29.** The *Lord’s Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

**30.** Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist’s death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist’s death”.

**31.—(1)** Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(j) “nearest relative” means,

- (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
- (ii) if none, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration and who has attained the age of sixteen years and is mentally competent, or
- (iii) if none, a person to whom the person is married while living separate and apart who has attained the age of sixteen and is mentally competent, or
- (iv) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (v) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (vi) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vii) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

(2) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

**(3) Section 29 of the said Act is amended by adding thereto the following subsection:**

Consent of  
unmarried  
spouse

(3a) Where a person who gives a consent under this section claims to be married to the patient or a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship of at least one year's duration, but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

**(4) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years".**

**(5) Section 35 of the said Act is amended by adding thereto the following subsections:**

Application  
for review  
of patient  
determined  
incompetent

(2a) An involuntary patient determined to be not mentally competent to consent to psychiatric treatment proposed to be given under subsection (2) may apply in the prescribed form to the chairman of the regional review board having jurisdiction to inquire into whether the patient is not mentally competent to consent to the psychiatric treatment.

Idem

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined.

Idem

(2c) Sections 31, 32, 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

. . . . .

Consent of  
spouse

(7) Where a person who gives a consent under this section claims to be married to the patient or a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship of at least one year's duration, but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

**32. Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Liability  
for spouse

**19.** Every person whose spouse is a patient is liable for the maintenance of that spouse.



**33. Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(2) The application may be made by,

By whom  
application  
to be made

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

**34. Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (a) he has attained the full age of sixteen years; and

. . . . .

**35.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following paragraph:**

- 24a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

(2) Section 101 of the said Act is amended,

- (a) by striking out "old age or" in the fourth line; and
- (b) by striking out "widows" in the sixth line and inserting in lieu thereof "surviving spouses".

(3) Paragraph 30 of section 210 of the said Act is amended by striking out "such age as the by-law may prescribe" in the

fourth and fifth lines and inserting in lieu thereof "the age of twelve years".

(4) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out "wife, husband" in the first line and inserting in lieu thereof "spouse".

**36.** Clause 1 (n) of the *Municipal Conflict of Interest Act*, 1983, being chapter 8, is repealed and the following substituted therefor:

- (n) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**37.** Section 1 of the *Municipal Elderly Resident's Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

**38.—(1)** Section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 37, section 1, is further amended by adding thereto the following paragraph:

37. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

(2) Subsection 6 (1) of the said Act is amended by striking out "sixteen" in the second line and inserting in lieu thereof "eighteen".

(3) Clause 12 (b) of the said Act is repealed and the following substituted therefor:

- (b) is a Canadian citizen; and

(4) Clause 13 (b) of the said Act is repealed and the following substituted therefor:



- (b) is a Canadian citizen; and

**(5) Section 14 of the said Act is repealed and the following substituted therefor:**

**14.** Every person who is an inmate in a penal or correctional institution under sentence of imprisonment is disqualified from voting.

Disqualification

**(6) Section 15 of the said Act is amended by striking out “or other British subject” in the third line.**

**(7) Subsection 33 (2) of the said Act is amended by striking out “or other British subject” in the sixth line and in the ninth line.**

**(8) Subsection 47 (1) of the said Act is repealed and the following substituted therefor:**

(1) Where an institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or who are disabled, a hospital, a psychiatric facility, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside or a retirement home of fifty beds or more is situate in a municipality, a polling place shall be provided in such institution or upon the premises.

Polling places in hospitals, etc.

**(9) Subsection 67 (1) of the said Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding thereto the following clause:**

- (d) a person who is an inmate in a penal or correctional institution, not under sentence of imprisonment.

**(10) Subsection 67 (3) of the said Act is amended by striking out “husband or wife” in the fourth line and inserting in lieu thereof “or spouse”.**

**(11) Clause 121 (1) (e) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 37, section 25, is repealed.**

**39.—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,**

- (a) by striking out “male and female” in the third and fourth lines; and

- (b) by striking out “seventeen” in the fourth line and inserting in lieu thereof “eighteen”.

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

Liability  
of spouse

(2) A person is liable for the payment of the tax in respect of his or her spouse.

**40.**—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(2) Clause 144 (3) (a) of the said Act is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the sixth and seventh lines and inserting in lieu thereof “occupant’s”.

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the fifth line and inserting in lieu thereof “occupant’s”.

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation

(11a) In subsections (11b), (11c) and (12) “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

Surviving  
spouse to  
remain after  
occupant’s  
death

(11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant’s place.

(11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

Deemed  
termination

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "occupant's spouse, as defined in section 14 of the *Family Law Reform Act*" in the third and fourth lines and inserting in lieu thereof "surviving spouse" and by striking out "his" in the sixth line and inserting in lieu thereof "a".

**41.** Clause 1 (2) (e) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (e) he resides outside Canada, is living with and,
    - (i) is married to,
    - (ii) is living outside marriage in a conjugal relationship of at least one year's duration with,  
or
    - (iii) is a child of,
- an individual described in clause (b), (c) or (d).

**42.** Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;  
or

**43.** Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:



- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

**44.** Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Interpretation

(2) For the purposes of clause (1) (b), "related person" means,

- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

**45.** Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

**46.** Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,

- (i) was married to a deceased partner immediately before the deceased partner died,
- (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
- (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

**47. Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.**

**48. Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(2) For the purposes of subsection (1), “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration. “spouse”  
defined

**49. Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by inserting after “God” in the thirteenth line “(omit this phrase in an affirmation)”.**

**50. Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:**

(2) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. “spouse”  
defined

**51. Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**26. No person under eighteen years of age shall act as a private investigator or a security guard.** Age limit



**52.** Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out "widow" in the fifth line.

**53.** Section 4 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by inserting after "God" in the ninth line "(omit this phrase in an affirmation)".

**54.—**(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(2) Subsection 10 (2) of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

**55.—**(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- iv. any relative of that person,
- v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out "or" at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

- (b) a senior officer or director of the issuer;
- (c) a parent, brother, sister or child of the issuer; or

- (d) a person of the opposite sex to whom the issuer is married or with whom the issuer is living in a conjugal relationship outside marriage.

**(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out "or" at the end thereof.**

**(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:**

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the issuer, or
- D. a person of the opposite sex to whom the issuer is married or with whom the issuer is living in a conjugal relationship outside marriage.

**56. Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.**

**57.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**5. In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,**

Labour in township in which poll tax is not levied

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

**(2) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:**

**(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,**

Statute labour in unincorporated areas

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and
- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

**58.** Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

To what  
persons  
adminis-  
tration  
shall be  
granted

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

Commence-  
ment

**59.**—(1) This Act, except subsections 12 (2), (3), (4) and (5) and subsections 38 (3), (4), (6) and (7), comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 12 (2), (3), (4) and (5) and subsections 38 (3), (4), (6) and (7) come into force on the 1st day of July, 1988.

Short title

**60.** The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*.







# Bill 7

## **An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms**

**The Hon. I. Scott**  
*Attorney General*

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<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	
<i>Royal Assent</i>	

*(Reprinted as amended by the Administration of Justice Committee)*

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## EXPLANATORY NOTES

This Bill amends various provisions of the statutes to conform to section 15 of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*, as follows:

### Age

**SECTION 2.** *Apprenticeship and Tradesmen's Qualification Act.* A provision requiring an employer to notify any employee under twenty-one years of age of an apprentice training program is repealed.

**SECTION 4.—Subsection 1.** *Children's Law Reform Act.* Consent to a blood test for a minor in determining parentage is presently based on age; only those minors sixteen years of age or more can consent to such a test. The amendment provides that anyone who understands the procedure can consent to it.

**SECTION 12.—Subsection 1.** *Education Act.* A provision that makes binding a contract for repayment of a provincial student loan made by a person under twenty-one is repealed.

**SECTION 16.** *Forest Fires Prevention Act.* A provision giving an officer the right to summon the assistance of physically fit males between eighteen and sixty years of age to control a fire is amended to apply to both sexes over eighteen years of age, with no upper age limit.

**SECTION 19.** *Human Tissue Gift Act.* The minimum age for giving a consent is changed from the age of majority to sixteen years. The minimum age requirement for a substitute consent is removed. For the purpose of a consent by a spouse, the definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 20.—Subsection 3.** *Junior Farmer Establishment Act.* A requirement that an applicant for a loan be at least eighteen and no more than thirty-five years old is removed.

**SECTION 21.—Subsection 3.** *Juries Act.* A provision that a person can elect not to serve on a jury because of advanced age or blindness is repealed.

**SECTION 25.—Subsection 1.** *Law Society Act.* Subsection 14 (2) of the *Law Society Act* provides that *ex officio* Benchers, on attaining the age of seventy-five years, can no longer vote in Convocation or in a committee. This is repealed.

**Subsections 2 to 5.** Provisions of the Act requiring members to be Canadian citizens or British subjects are amended to require that they be Canadian citizens. Commencement of these provisions is postponed to July 1, 1989 to give non-citizen members an opportunity to seek citizenship.

**Subsection 6.** Suspension for incapacity for any cause, is amended to remove a specific reference to age as a ground.

**SECTION 28.** *Legislative Assembly Retirement Allowances Act.* Sections 11 and 19 of the Act provide for a member's or former member's spouse and children under the age of eighteen to receive allowances on the death of the member or former member. These subsections, which deem children over eighteen who are in school full time to be under eighteen, now provide an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

**SECTION 30.—Subsection 4.** *Loan and Trust Corporations Act.* The Act prohibits a loan to any child under twenty-one years of age who is individually or as part of a family group a substantial shareholder. The amendment removes the age reference.

**SECTION 36. *Motorized Snow Vehicles Act.*** The minimum age required to drive a motorized snow vehicle across a highway is raised from fourteen to sixteen years.

**SECTION 37.—Subsection 4. *Municipal Act.*** The Act, which provides for gratuities for fire fighters who have become incapacitated for a number of reasons including old age, is amended to delete the specific reference to age. The section, which also provides for gratuities to widows and children of firefighters killed while on duty, is amended to change “widows” to “surviving spouses”.

**Subsection 5.** The Act empowers a municipality to make by-laws concerning the sale of fireworks to any person under an age to be prescribed by the by-law. It is amended by specifying the age as twelve years.

**SECTION 40.—Subsection 2. *Municipal Elections Act.*** The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

**SECTION 41.—Subsection 1. *Municipal Health Services Act.*** A provision that a municipal council may levy and collect a personal tax in respect of every male and female resident seventeen years of age or over is amended to remove “male and female” and to change the age to eighteen years.

**Subsection 2.** Liability for payment of this tax is presently fixed against a parent in respect of a dependent seventeen year old and against a husband in respect of his wife. The former is repealed and the latter amended to make the liability apply to either spouse in respect of the other.

**SECTION 42.—Subsections 3 and 4. *Municipality of Metropolitan Toronto Act.*** In a provision concerning establishing priority as between classes of occupants of property on Algonquin or Ward’s Island, a specific reference to the age of the occupant as a factor to be considered is removed. The factors remaining are the occupant’s length of residence and any other factors the City of Toronto considers relevant.

**SECTION 47. *Ontario Pensioners Property Tax Assistance Act.*** The limitation period for applying for a grant or for an additional grant under the Act is extended from twelve months to three years from the end of the year to which the grant relates.

**SECTION 49. *Ophthalmic Dispensers Act.*** The Act requires an applicant for registration to be over twenty-one years of age and of good moral character. This is repealed.

**SECTION 51. *Pawnbrokers Act.*** The Act prohibits a pawnbroker from employing or permitting anyone under sixteen years of age to take any pledge in pawn. This is repealed.

**SECTION 55. *Private Investigators and Security Guards Act.*** The minimum age to be a private investigator is changed from twenty-one years to eighteen years.

**SECTION 60. *Public Service Superannuation Act.*** Section 20 provides for a contributor’s spouse and children under the age of eighteen to receive allowances on the death of the contributor. This subsection, which deems children over eighteen who are in school full time to be under eighteen, now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

**SECTION 64. *Settled Estates Act.*** The provision that a married woman may make or consent to or oppose any application whether or not she is of full age is repealed.

**SECTION 65. *Statute Labour Act.*** The Act sets the liability for males over eighteen and under sixty years of age to statute labour. The amendments substitute “person” for “male” and remove the upper age limit. Reference to being a British subject is also removed from the Act.



SECTION 68. *Teachers' Superannuation Act, 1983*. This subsection now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

#### *Citizenship*

SECTION 12.—Subsections 2, 3, 4 and 5. *Education Act*. Provisions concerning public or separate school electors, which require an elector to be a Canadian citizen or other British subject are amended to remove reference to a British subject. Commencement of these provisions is postponed until July 1, 1988.

SECTION 25. *Law Society Act*. See under "age", above.

SECTION 37.—Subsections 2 and 3. *Municipal Act*. The provisions of the *Municipal Act* concern applicants to incorporate improvement districts, townships, villages and towns and applicants for annexations. In each case the Act requires the applicant to be a British subject. The amendment would require that the applicant be a Canadian citizen.

SECTION 58.—Subsection 1. *Public Officers Act*. The Act requires a person employed in a public office in Ontario to be a British subject. The amendment would require, instead, that the person be a Canadian citizen or a permanent resident of Canada.

SECTION 61. *Railways Act*. Subsection 16 (5) of the Act requires that the majority of the Directors of a railway company be British subjects if the company has received aid towards the construction of its railway or undertaking from the Government of Ontario under any Act of the Legislature.

SECTION 65. *Statute Labour Act*. See under "age", above.

SECTION 67. *Surveyors Act*. The Act requires that a member of the council be a Canadian citizen or a British subject rather than a Canadian citizen or a permanent resident of Canada.

#### *Disability*

SECTION 14. *Employment Standards Act*. Section 24 gives the Director of Employment Standards the authority, with the consent of a handicapped person, to authorize the employment of the handicapped person at a wage lower than the minimum wage.

SECTION 21. *Juries Act*. See under "age", above.

SECTION 44. *Occupational Health and Safety Act*. A provision is repealed that excludes from the definition of "worker" for the purposes of the Act a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or home or rehabilitation facility.

SECTION 56. *Private Sanitaria Act*. The Act provides for the licensing of institutions for "the care and treatment of mental and nervous illnesses". The Act provides for the admission and detention of patients in such institutions.

#### *Marital Status*

SECTION 1. *Absentees Act*. The Act provides that the Attorney General, the next-of-kin, the wife or husband, creditor or other person may apply for an order declaring a person to be an absentee. The amendment removes the reference to wife or husband and puts in its place the person of the opposite sex to whom the absentee was married or with whom the absentee was living in a conjugal relationship outside marriage.

**SECTION 3.** *Business Corporations Act, 1982.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 4.—Subsection 2.** *Children’s Law Reform Act.* Under the Act, where a person is under a duty to pay specified amounts of money to a child, payment directly to the child discharges that duty only if the child is married. Under the amendment, the child would be paid directly if the child had a legal obligation to support another person.

**Subsection 3.** The Act allows a married child to apply for an end to his or her guardianship. The amendment repeals that provision and allows a child who has a legal obligation to support another person to so apply.

**Subsection 4.** The Act allows a married minor to apply in or respond to an action under Part III (custody, access and guardianship). The amendment repeals that provision and allows a minor who is a parent to so apply or respond.

**SECTION 5.** *Compensation for Victims of Crime Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 6.** *Conveyancing and Law of Property Act.* In several sections references to “husband”, “wife” and “married woman” are removed. There is no substantive change because the sections presently apply to any person.

**SECTION 7.** *Co-operative Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 8.** *Coroners Act.* The definition of “spouse” is expanded to include a person with whom the deceased was living immediately before death outside marriage in a conjugal relationship of at least one year’s duration.

**SECTION 9.** *Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate”.

**SECTION 10.** *Credit Unions and Caisses Populaires Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “related person”.

**SECTION 13.** *Election Act, 1984.* In a provision specifying who may apply on behalf of an elector to obtain a certificate to vote, the definition of “spouse” is expanded to include a person of the opposite sex with whom the elector is living outside marriage in a conjugal relationship of at least one year’s duration.

**SECTION 15.—Subsection 1.** *Execution Act.* “Spouse” is defined for all purposes of the Act to include a person of the opposite sex living with a person in a conjugal relationship outside marriage.

**Subsection 2.** The Act provides that after the death of the debtor, chattels exempt from seizure can be retained by the debtor’s widow or family, for their benefit. The amendment substitutes “surviving spouse” for widow, so the provision would apply to surviving spouses of both sexes, whether married or not.

**Subsection 3.** The Act provides that the debtor, his widow or family may select out chattels exempt from seizure. The amendment substitutes “surviving spouse” for “widow”.

**SECTION 17.** *Fraudulent Debtors Arrest Act.* The provision repealed is: “A married woman is not liable to arrest on mesne or final process”.



**SECTION 19.** *Human Tissue Gift Act.* See under "age", above.

**SECTION 20.—Subsections 1 and 2.** *Junior Farmer Establishment Act.* The definition of "family farm" is broadened to include a farm operated by a junior farmer and a spouse, and "spouse" is defined to include a person of the opposite sex to whom the person is living in a conjugal relationship outside marriage.

**SECTION 21.—Subsection 1.** *Juries Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of determining ineligibility to serve under subsection 3 (1).

**Subsection 2.** A person who claims ineligibility to serve on a jury because of living in a conjugal relationship outside marriage with a judge, justice of the peace, lawyer, student-at-law or person engaged in enforcing the law must file a declaration of spousal status.

**Subsection 4.** The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that spouses may not be on the same jury list.

**SECTION 24.** *Landlord and Tenant Act.* "Spouse" is defined to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year's duration. References to "husband" or "wife" in the Act are changed to "spouse". Three provisions under which a landlord requires premises for a spouse are amended to require of unmarried spouses a declaration of spousal status.

**SECTION 30.—Subsections 1, 2, 3 and 5.** *Loan and Trust Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "associate" and "related person" and of establishing what investments are prohibited.

**SECTION 32.** *McMichael Canadian Collection Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, with regard to burial of an artist or spouse of the artist.

**SECTION 35.** *Mental Incompetency Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, and "spouse" is substituted for "husband or wife", in a provision allowing any person, including a husband or wife, to apply for a declaration of mental incompetency in respect of another person.

**SECTION 37.—Subsection 1.** *Municipal Act.* The definition of "spouse" is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration, for all purposes of the Act.

**Subsection 4.** See under "age", above.

**Subsection 6.** A provision that a spouse's goods may be seized where those goods are on land subject to tax arrears is amended to include a "spouse" as defined in subsection (1).

**SECTION 38.** *Municipal Conflict of Interest Act, 1983.* The definition of "spouse" is expanded to include a person of the opposite sex living with the person in a conjugal relationship outside marriage. The Act now includes some common law spouses but is more restrictive.

**SECTION 39.** *Municipal Elderly Resident's Assistance Act.* The definition of "spouse" is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 40.—Subsection 1.** *Municipal Elections Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration for all purposes of the Act.

**SECTION 41.—Subsection 2.** *Municipal Health Services Act.* See under “age”, above.

**SECTION 42.—Subsections 5 and 6.** *Municipality of Metropolitan Toronto Act.* In a provision concerning the rights of a surviving spouse of an occupant of property on Algonquin or Ward’s Island to remain on the property, the definition of spouse is expanded to include a person who was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death and the spouse is required to make a declaration of spousal status to so remain.

**SECTION 43.** *Non-resident Agricultural Land Interests Registration Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “ordinarily resident in Canada”.

**SECTION 45.** *Ontario Energy Board Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

**SECTION 46.** *Ontario Mineral Exploration Program Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

**SECTION 48.** *Ontario Youth Employment Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “related person”.

**SECTION 50.** *Partnerships Act.* The Act provides that a surviving spouse or child of a deceased partner who receives by way of annuity a portion of the profits of the deceased partner’s business is not by reason of such receipt a partner or lable as such. The amendment makes the provision apply also to a person of the opposite sex with whom the partner was living in a conjugal relationship outside marriage.

**SECTION 52.** *Perpetuities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives outside marriage in a conjugal relationship of at least one year’s duration, with regard to a disposition in favour of a spouse. The definition of “spouse” in the Act now includes some common law spouses, but is more restrictive.

**SECTION 54.** *Powers of Attorney Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that if a power of attorney may be exercised during any subsequent legal incapacity of the donor, the power shall be executed in the presence of a witness other than the attorney or the attorney’s spouse.

**SECTION 57.** *Public Lands Act.* The Act provides that lands are not to be liable for debts incurred before the issue of letters patent by the purchaser, his widow, heirs or devisees. The amendment deletes reference to the widow.

**SECTION 63.** *Securities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate” and in a provision exempting from prospectus requirements a spouse of the issuer if the spouse has access to substantially the same information concerning the issuer that a prospectus would provide.

**SECTION 64.** *Settled Estates Act.* See under “age”, above.



**SECTION 66.** *Surrogate Courts Act.* The Act provides that where a person dies intestate or the executor refuses to prove the will, the court may in its discretion commit administration to the husband, the wife, the next-of-kin or the wife and next-of-kin. The amendment substitutes "spouse" for "husband" and "wife" and expands "spouse" to include a person of the opposite sex with whom the person is living in a conjugal relationship outside marriage.

**SECTION 69.** *Workers' Compensation Act.* Definition of "spouse" is amended.

#### *Religion or Creed*

The following oaths are amended to permit an affirmation:

**SECTION 11.** *Crown Timber Act,* for an examiner and a scaler.

**SECTION 22.** *Justices of the Peace Act,* for a justice of the peace.

**SECTION 23.—Subsection 2.** *Labour Relations Act,* for a conciliation board member.

**SECTION 27.** *Legislative Assembly Act,* for a committee witness and an employee of the Office of the Assembly.

**SECTION 31.** *Lord's Day (Ontario) Act.* The Act empowers municipalities to pass by-laws allowing people to engage in various activities otherwise disallowed under the *Lord's Day Act* (Canada). The *Lord's Day Act* (Canada) has been ruled of no force and effect by the Supreme Court of Canada.

**SECTION 53.** *Police Act,* for a police chief, police officer or constable.

**SECTION 58.—Subsection 2.** *Public Officers Act.* The oath of a public officer is amended to permit an affirmation.

**SECTION 59.** *Public Service Act,* for a civil servant.

**SECTION 62.** *Retail Business Holidays Act.* The provisions to be repealed refer to the *Lord's Day (Ontario) Act*, which is to be repealed by section 31 of this Bill, and to the *Lord's Day Act* (Canada) which has been ruled of no force and effect by the Supreme Court of Canada.

#### *Sex*

**SECTION 6.** *Conveyancing and Law of Property Act.* See under "marital status", above.

**SECTION 15.—Subsections 2 and 3.** *Execution Act.* See under "marital status", above.

**SECTION 16.** *Forest Fires Prevention Act.* See under "age", above.

**SECTION 17.** *Fraudulent Debtors Arrest Act.* See under "marital status", above.

**SECTION 21.—Subsection 5.** *Juries Act.* A provision allowing a judge to make an order for an all male or an all female jury is repealed.

**SECTION 26.** *Legal Aid Act.* The following provision is repealed:

"A certificate shall not be issued to a person in proceedings wholly or partly in respect of defamation or loss of service of a female in consequence of rape."

**SECTION 29.** *Libel and Slander Act.* A provision dispensing with proof of special damage in an action arising from the imputing of unchastity or adultery of a woman is repealed.

**SECTION 34.** *Mental Hospitals Act.* A provision that a man is liable for maintenance of his wife where his wife is a patient is amended to apply equally to both sexes.

**SECTION 37.—Subsection 4.** *Municipal Act.* See under “age”, above.

**SECTION 41.—Subsections 1 and 2.** *Municipal Health Services Act.* See under “age”, above.

**SECTION 42.—Subsections 1 and 2.** *Municipality of Metropolitan Toronto Act.* The provisions concern the right of a child of a sole supporting mother to attend school without paying a fee. The amendment is made to apply in respect of a sole supporting father as well.

**SECTION 57.** *Public Lands Act.* See under “marital status”, above.

**SECTION 64.** *Settled Estates Act.* See under “age”, above.

**SECTION 65.** *Statute Labour Act.* See under “age”, above.

**SECTION 66.** *Surrogate Courts Act.* See under “marital status”, above.

#### *General*

**SECTION 18.—Subsections 1 to 5.** *Human Rights Code, 1981.* Self-explanatory.

**Subsection 6.** Section 9 of the Act is amended to provide for equal treatment without discrimination because a woman is or may become pregnant.

**Subsections 7, 8, 9, 10, 15 and 16.** Section 16 of the Act limits the protection of the Act in respect of people with handicaps. The part of it that limits the application of the Act because a person does not have access to premises, services, goods, facilities or accommodation or cannot use them because they lack the appropriate amenities is repealed. The part of it that limits the application of the Act because a person cannot perform or fulfill the essential duties or requirements attending exercise of a right is preserved. Section 10 of the Act, dealing with constructive discrimination, is re-worded to ensure that it applies to discrimination on the basis of handicap and to make section 16 subject to it.

**Subsection 11.** Subsection 19 (2) of the Act provides that restriction of membership in an athletic organization or participation in an athletic activity to members of the same sex is not an infringement of a right under the *Code*. This is repealed.

**Subsection 12.** Subsection 20 (3) of the Act provides that the Act does not apply with respect to discrimination on the basis of marital status with respect to the occupancy of residential accommodation where the building contains no more than four dwelling units, one of which is occupied by the owner or his or her family. This is repealed.

**Subsection 13.** Subsection 20 (4) of the Act provides that the Act does not apply with respect to discrimination on the basis of family status with respect to the occupancy of residential accommodation in a building or part of a building that contains more than one dwelling unit served by a common entrance and the occupancy of all the residential accommodation in the building or in the designated part of the building is restricted because of family status. This is repealed.

**Subsection 14.** Section 23 relates to discrimination in employment. Clause (1) (b) relates to discrimination for reasons of age, sex, record of offences or marital status.

**SECTION 23.—Subsections 1, 3 and 4.** *Labour Relations Act.* Several provisions of this Act which prohibit discrimination on the basis of a number of named grounds are expanded to prohibit discrimination on the basis of any ground not allowed by the *Human Rights Code, 1981* or by section 15 of *Canadian Charter of Rights and Freedoms*.

**SECTION 33.** *Mental Health Act.* Extensive amendments are made in relation to age and disability.

**Subsection 1.** The definition of "nearest relative" (used for establishing who may consent to certain acts) is revised.

**Subsection 2.** The definition of "regional review board" is repealed. A review board is provided for in this Bill.

**Subsection 3.** The definition of "restrain" is amended.

**Subsection 4.** The term "review board" is defined.

**Subsection 5.** Section 8 of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 6.** New section 8a is added to the Act to provide for children as informal patients in psychiatric facilities.

**Subsection 7.** New section 8b of the Act provides that the authority to detain and restrain a patient does not apply in respect of an informal or voluntary patient.

**Subsection 8.** The amendment reduces the period of time during which a person may be detained for a psychiatric examination from 120 hours to 72 hours.

**Subsections 9 to 12.** Subsections 10 (1) and (3) and sections 11 and 12 of the Act are amended to change the term "assessment" to "examination".

**Subsection 13.** Section 13 of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 14.** Subsection 14 (1) of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 15.** Subsection 14 (3) of the Act is amended to reduce the detention period from 120 hours to 72 hours and to refer to voluntary patients as well as to informal patients.

**Subsection 16.** Subsections 14 (5), (6) and (7) of the Act are amended to refer to voluntary patients as well as informal patients.

**Subsection 17.** Clause 20 (3) (b), which relates to communication by or to a patient, is amended to remove the reference to an "advisory review board".

**Subsections 18 and 19.** Section 29 of the Act relates to disclosure of clinical records. Subsections 29 (1) and (2) are amended to refer to new section 29a, which relates to patient access to clinical records and which is added by this Bill.

**Subsection 20.** Subsection 29 (3) of the Act is amended to change "age of majority" to "age of sixteen years".

**Subsection 21.** New subsection 29 (3a) is added to the Act. The subsection deals with the consent of a spouse in relation to a clinical record.

**Subsections 22, 23 and 24.** The term "age of majority" is replaced by "age of sixteen years".

**Subsection 25.** New section 29a is added to the Act. The section deals with patient access to clinical records.



**Subsection 26.** Subsections 30 (1) to (4) of the Act establish the composition of the new review board to have jurisdiction throughout Ontario.

**Subsection 27.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 28.** New subsections 30a (1a) and (1b) provide for notices to patients and to the area director under the *Legal Aid Act*, in the circumstances set out in those subsections.

**Subsections 29, 30 and 31.** The amendments relate to the new composition and jurisdiction of the review board.

**Subsections 32 and 33.** New sections 32 and 32a relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

**Subsections 34 and 35.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsections 36 and 37.** New sections 33b and 33c also relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

**Subsections 38 to 42.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsections 43, 44 and 45.** New subsections 33f (1a) to (1i), (2) and (2a) relate to procedures for appeals from decisions of the review board.

**Subsections 46, 47 and 48.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsection 49.** Section 34 of the Act provides for an advisory review board. The advisory review board is now provided for under the *Criminal Code* (Canada).

**Subsection 50.** Subsection 35 (2) of the Act is amended to change "age of majority" to "age of sixteen years" and to remove a reference to "regional" in relation to the review board.

**Subsection 51.** New subsections 35 (2a), (2b) and (2c) authorize an involuntary patient to apply to the review board for an inquiry into whether the patient is not mentally competent.

**Subsection 52.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 53.** Subsection 35 (5) of the Act is re-enacted to provide new criteria to govern the review board in determining whether it should authorize psychiatric treatment.

**Subsection 54.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 55.** New subsection 35 (7) provides that the consent of a person who claims to be a spouse is valid for the purposes of the Act if the person who acted upon the consent had no reason to believe that the person who gave the consent was not the spouse. New subsection 35 (8) prevents the providing of psychiatric treatment to a patient pending the outcome of an appeal related to the treatment, unless otherwise ordered by a judge of the court appealed to.

**Subsection 56.** New section 35a of the Act requires documentation in the clinical record when a patient is restrained.



**Subsection 57.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 58.** Internal cross-references are revised.

**Subsections 59 and 60.** Subsection 65 (1) of the Act authorizes the making of regulations. The amendments are complementary to the new composition and jurisdiction of the review board.


**Subsection 61.** Clause 65 (1) (j) provided for time limits for decisions of the review board and advisory review board. Times in respect of the review board are now provided in new sections 33b and 33c. The advisory review board is governed by the *Criminal Code* (Canada).

**Subsections 62 and 63.** The amendments are complementary to the new composition and jurisdiction of the review board.

#### **SECTION 70.** Commencement.

Amendments respecting pensions come into force on the 1st day of January, 1987.

Provisions related to citizenship come into force three years after they were first made public.

Provisions that require supporting regulations or forms come into force on proclamation. 

# Bill 7 1986

## An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application for the order may be made by,

Application,  
who may  
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

**2.** Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

**3.** Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:

43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Consent  
where  
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

**(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:**

- (a) the child, if the child has a legal obligation to support another person.

**(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".**

**(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".**

**5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

- (fa) "spouse" means,
  - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

**6.—**(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

**7.** Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:


24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**8.** Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

➡ (e) “spouse” means a person of the opposite sex,

- (i) to whom the deceased was married immediately before his or her death,
- (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,



- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*. 

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**9.—(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.**

**(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:**

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

**10. Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (r) “related person”, where used to indicate a relationship with any person, means,
  - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
  - (ii) any son or daughter of the person, or
  - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

**11.—(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

Oath of  
examiners

I, ..... do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

**(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:**

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form: Scaler's  
oath

I, ..... do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

**12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.**

**(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:**

(1) In this section and in sections 65 and 66, "public school electors" in respect of territory without municipal organization means, Public  
school  
electors

- (a) owners and tenants of property in such territory without municipal organization; and
- (b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

**(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:**

3. I am a Canadian citizen.

**(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:**

- (a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out "or other British subject" in the second and third lines.

**13.** Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

"spouse"  
defined

(3) In this section, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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**14.—**(1) Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-  
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

**15.—**(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (c) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (d) "surviving spouse" means a person who was the person's spouse at the time of his or her death.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of  
exempted  
goods after  
death of  
debtor

**5.—**(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.



(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family. Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit. Idem

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

16. Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

17. Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

18.—(1) Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

(4) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(5) Section 5 of the said Act is amended by inserting after "sex" in the fifth line "sexual orientation".

(6) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant. Pregnancy

(7) Section 10 of the said Act is repealed and the following substituted therefor:



Constructive  
discrimina-  
tion

**10.—(1)** A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, business inconvenience, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

**(8) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:**

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

**(9) Section 16 of the said Act is amended by adding thereto the following subsections:**

Reasonable  
accommoda-  
tion

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, business inconvenience, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(10) Subsection 16 (2) of the said Act is amended by striking out "the provision of access or amenities or as to" in the fifth and sixth lines.

(11) Subsection 19 (2) of the said Act is repealed.

(12) Subsection 20 (3) of the said Act is repealed.

(13) Subsection 20 (4) of the said Act is repealed.

(14) Section 23 of the said Act is amended by adding thereto the following subsections:

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, business inconvenience, outside sources of funding, if any, and health and safety requirements, if any.

Reasonable  
accommo-  
dation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

Idem

(15) Subsections 40 (2) and (3) of the said Act are repealed.

(16) Clause 47 (a) of the said Act is repealed and the following substituted therefor:

(a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

**19.**—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(2) Subsection 3 (2) of the said Act is amended by striking out "majority" in the second line and in the seventh line and inserting in lieu thereof in each instance "sixteen years".

(3) Subsection 4 (1) of the said Act is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(4) Subsection 4 (2) of the said Act is amended by striking out "majority" in the second line and in the fifth line and inserting in lieu thereof in each instance "sixteen years".

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

“spouse”  
defined

(1) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person's death, was living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

Consent by  
spouse, etc.,  
for use of  
body  
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person's death is imminent,

- (a) the person's spouse; or
- (b) if none or if the spouse is not readily available, any one of the person's children; or
- (c) if none or if none is readily available, either one of the person's parents; or
- (d) if none or if neither is readily available, any one of the person's brothers or sisters; or
- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or



- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

**20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (e) “family farm” means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

**(2) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ja) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**(3) Clause 12 (1) (a) of the said Act is repealed.**

**21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom that person is living in a conjugal relationship outside marriage.

**(2) Section 3 of the said Act is amended by adding thereto the following subsection:**

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

Declaration  
of unmarried  
spouses

**(3) Subsection 4 (2) of the said Act is repealed.**



(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:

Panel  
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

(5) Section 34 of the said Act is repealed.

**22.** Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".

**23.**—(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

1981, c. 53

(b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*.

(4) Subsection 127 (5) of the said Act is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*".

**24.—(1)** Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

➡ (ca) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.

(3) Section 105 of the said Act is amended by adding thereto the following subsection:

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

Declaration  
for  
unmarried  
spouse

(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

Declaration  
for  
unmarried  
spouse

(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:

Declaration  
for  
unmarried  
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.



**25.**—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.

(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:


Transition re  
British  
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.

Re-admission

(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person.

(6) Section 35 of the said Act is amended by striking out “age” in the fourth line.

**26.** Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out “or loss of service of a female in consequence of rape” in the second line. 

**27.**—(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the



truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after "swear" in the second line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Form 3 of the said Act is amended by inserting after "swear" in the second line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

28.—(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

Exception  
for higher  
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

Exception  
for higher  
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out "or" at the end thereof.



**(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:**

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

**(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:**

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in clauses (a) and (aa), who has the same home as that person; or

**(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.**

**(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:**

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**31. The *Lord’s Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.**

**32. Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist’s**

death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist's death".

**33.**—(1) Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(j) "nearest relative" means,

(i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or

(ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986,

1986, c. 4

(iii) if none or if none is available, a person to whom the person is married while living separate and apart who has attained the age of sixteen and is mentally competent, or

(iv) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or

(v) if none or if none is available, either of the parents who is mentally competent or the guardian, or

(vi) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or

(vii) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.



(2) Clause 1 (r) of the said Act is repealed.

(3) Clause 1 (t) of the said Act is amended,

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

(4) Section 1 of the said Act is amended by adding thereto the following clause:

- (ta) “review board” means the review board appointed under section 30.

(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.

(6) The said Act is amended by adding thereto the following section:

Child as  
informal  
patient

**8a.**—(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

Application  
deemed  
made

(2) Upon the completion of six months after the later of the child's admission to the psychiatric facility as an informal patient or the child's last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Consider-  
ations

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child's needs can be adequately met if the child is not an informal patient in the psychiatric facility;



- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of  
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

(7) The said Act is further amended by adding thereto the following section:

**8b.** Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or  
voluntary  
patient

(8) Clause 9 (5) (b) of the said Act is amended by striking out "120" in the fourth line and inserting in lieu thereof "72".

(9) Subsection 10 (1) of the said Act is amended by striking out "assessment" in the last line and inserting in lieu thereof "examination".

(10) Subsection 10 (3) of the said Act is amended by striking out "assessment" in the sixth line and inserting in lieu thereof "examination".

(11) Section 11 of the said Act is amended by striking out "assessment" in the last line and inserting in lieu thereof "examination".

(12) Section 12 of the said Act is amended by striking out "assessment" in the first line and in the third line and inserting in lieu thereof in each instance "examination".



(13) Section 13 of the said Act is amended by inserting after "informal" in the second line "or voluntary".

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after "informal" where it appears in the first line and in the sixth line "or voluntary"; and
- (b) in clause (c), by inserting after "informal" in the thirteenth line "or voluntary".

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out "120" in the fourth line and inserting in lieu thereof "72"; and
- (b) by inserting after "informal" in the sixth line "or voluntary".

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after "informal" in the second line "or voluntary";
- (b) in subsection (6), by inserting after "informal" in the second line "or voluntary"; and
- (c) in subsection (7), by inserting after "informal" in the second line "or voluntary".

(17) Clause 20 (3) (b) of the said Act is amended by striking out "a review board or advisory review board under this Act" in the first and second lines and inserting in lieu thereof "the review board".

(18) Subsection 29 (1) of the said Act is amended by inserting after "section" in the first line "and in section 29a".

(19) Subsection 29 (2) of the said Act is amended by inserting after "subsections (3) and (5)" in the first line "and section 29a".

(20) Subsection 29 (3) of the said Act is amended by striking out "majority" wherever that word appears and inserting in lieu thereof in each instance "sixteen years".

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section claims to be, Consent of spouse

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

**(22) Clause 29 (9) (a) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.**

**(23) Clause 29 (9) (b) of the said Act is amended by striking out “majority” in the second line and inserting in lieu thereof “sixteen years”.**

**(24) Clause 29 (9) (c) of the said Act is amended by striking out “majority” in the fifth line and inserting in lieu thereof “sixteen years”.**

**(25) The said Act is further amended by adding thereto the following section:**

**29a.—**(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient's own expense the clinical record of the patient's observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record. Patient access to clinical record

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge. Request

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it. Duty of officer in charge

Application  
to review  
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to  
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by  
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

(a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or

(b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.

Idem

(9) The review board may hear any submissions from the patient in the absence of the attending physician.

Severability

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order.

Reasons

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused.

Procedure

R.S.O. 1980,  
c. 484

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4).



(13) A patient who is allowed to examine or copy a clinical record is entitled to, Right of correction

- (a) request correction of the information in it where the patient believes there is an error or omission in it;
- (b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and
- (c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application for review of patient determined incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14). Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record. Where patient not mentally competent, etc.

(17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16). Application of subss. (2-13)

**(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:**

(1) The Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board and shall designate a person to be the co-ordinator of the review board. Review board

(2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor. Panels



Chairmen of  
panels

(3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment  
of duties

(4) The co-ordinator of the review board shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".

(28) Section 30a of the said Act, as amended by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:

Notice re  
competence  
to patient

(1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980,  
c. 234

Notice of  
child's right

(1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

(29) Subsection 30a (2) of the said Act is amended by inserting after "(1)" in the first line "(1a) or (1b)" and by striking out "regional" in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out "chairman of the regional review board having jurisdiction" in the second and third lines and inserting in lieu thereof "review board".

(31) Subsection 31 (4) of the said Act is amended by striking out "chairman of the regional review board having jurisdiction" in the fourth and fifth lines and inserting in lieu thereof "review board".

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Hearing  
deemed  
abandoned

**32.** Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken

against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

**(33) The said Act is further amended by adding thereto the following section:**

**32a.—(1)** Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate.

Extension of  
certificate for  
review

(2) An extension of a certificate under subsection (1) is effective,

Authority of  
extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate.

Renewal of  
certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4).

Authority of  
certificate

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate.

Notice

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a

Renewal  
deemed a  
nullity

nullity and the extended certificate remains in effect for the period provided under subsection (1).

(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the third line.

(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the fourth line.

(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Appointment  
of time and  
place for  
hearing

**33b.**—(1) A review board that receives notice in writing placir a matter before it for decision shall appoint a time and place for and hold a hearing.

Hearing  
within seven  
days

(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.

(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Powers of  
board

**33c.**—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.

Opinion  
substituted

(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician.

Written  
reasons

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision.

(38) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line and in the eighth line.

(39) Subsection 33e (2) of the said Act is amended by striking out "regional" in the first line, in the second line and in the fifth line.

(40) Subsection 33e (3) of the said Act is amended by striking out "regional" in the first line.



(41) Subsection 33e (4) of the said Act is amended by striking out "regional" in the third line.

(42) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line.

(43) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:

(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.

Time for  
appeal

(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.

Time for  
answer

(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).

Exception

(1d) Where an appeal is taken against a decision by a review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.

Extension of  
discontinued  
certificate

(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.

Extension of  
certificate for  
appeal

(1f) An extension of a certificate under subsection (1e) is effective,

Authority of  
extension

(a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;

(b) until the certificate is rescinded; or

(c) until the party appealing withdraws the appeal,

whichever first occurs.



Renewal of  
certificate

(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.

Authority of  
certificate

(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).

Evidence for  
extension

(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satisfied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

**(44) Subsection 33f (2) of the said Act is repealed and the following substituted therefor:**

Transcript  
and record

(2) Where a party appeals from a decision or an order of a review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal.

**(45) The said section 33f is further amended by adding thereto the following subsection:**

Early date  
for appeal


(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal.

**(46) Subsection 33f (4) of the said Act is amended by striking out "regional" in the second line.**

**(47) Subsection 33f (5) of the said Act is amended by striking out "regional" in the third line.**

**(48) Subsection 33f (6) of the said Act is amended by striking out "regional" in the second line.**

**(49) Section 34 of the said Act is repealed.**

**(50) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years" and by striking out "regional" in the sixth line.** 

**(51) Section 35 of the said Act is amended by adding thereto the following subsections:**

➡ (2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. ➡

Application  
for review of  
patient  
determined  
incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined.

Idem

➡ (2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a). ➡

Idem

(52) Subsection 35 (4) of the said Act is amended by striking out "regional" in the second last line.

(53) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:

(5) Where the review board is satisfied,

Criteria for  
treatment  
order

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

(54) Subsection 35 (6) of the said Act is amended by striking out "regional" in the fourth line.

(55) Section 35 of the said Act is further amended by adding thereto the following subsections:

(7) Where a person who gives a consent under this section claims to be,

Consent of  
spouse

- (a) married to the patient; or
- (b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

- (i) have cohabited for at least one year,
- (ii) are together the parents of a child, or
- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

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but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

Treatment  
pending  
appeal

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to.

**(56) The said Act is further amended by adding thereto the following section:**

Documen-  
tation of use  
of restraint

**35a.**—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained.

Chemical  
restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage.

**(57) Subsection 43 (1) of the said Act is amended by striking out "chairman of the review board having jurisdiction" in the third and fourth lines and inserting in lieu thereof "review board".**

**(58) Subsection 43 (2) of the said Act is amended by striking out "31, 32 and 33" in the second and third lines and inserting in lieu thereof "33, 33a, 33b, 33c, 33d, 33e and 33f".**

**(59) Clause 65 (1) (h) of the said Act is amended by striking out "a" in the second line and inserting in lieu thereof "the".**

**(60) Clause 65 (1) (i) of the said Act is amended by striking out "review boards and advisory review boards" in the second line and inserting in lieu thereof "the review board".**

**(61) Clause 65 (1) (j) of the said Act is repealed.**



(62) Clause 65 (1) (k) of the said Act is amended by striking out "review boards and advisory review boards" in the second and third lines and inserting in lieu thereof "the review board and the co-ordinator".

(63) Clause 65 (1) (l) of the said Act is amended by striking out "review boards and advisory review boards" in the first and second lines and inserting in lieu thereof "the review board".

**34.** Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**19.** Every person whose spouse is a patient is liable for the maintenance of that spouse.

Liability  
for spouse

**35.** Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application may be made by,

By whom  
application  
to be made

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

**36.** Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

**37.—(1)** Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the



**Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:**

"spouse"  
defined

(2) In this Act, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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**(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:**

Qualifications  
of applicants

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years.

**(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out "British subjects" in the fifth line and inserting in lieu thereof "Canadian citizens".** ▲

**(4) Section 101 of the said Act is amended,**

- (a) by striking out "old age or" in the fourth line; and
- (b) by striking out "widows" in the sixth line and inserting in lieu thereof "surviving spouses".

**(5) Paragraph 30 of section 210 of the said Act is amended by striking out "such age as the by-law may prescribe" in the fourth and fifth lines and inserting in lieu thereof "the age of twelve years".**

**(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out "wife, husband" in the first line and inserting in lieu thereof "spouse".**

**38. Clause 1 (n) of the *Municipal Conflict of Interest Act, 1983*, being chapter 8, is repealed and the following substituted therefor:**

- (n) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**39.** Section 1 of the *Municipal Elderly Resident's Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- ➡
- (d) "spouse" means a person of the opposite sex,
- (i) to whom the person is married, or
  - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or
    - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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**40.—(1)** Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

37. "spouse" means a person of the opposite sex,
- (a) to whom the person is married, or
  - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (i) have cohabited for at least one year,
    - (ii) are together the parents of a child, or
    - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended

by striking out "eighteen" in the second line and inserting in lieu thereof "sixteen".

**41.**—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out "male and female" in the third and fourth lines; and
- (b) by striking out "seventeen" in the fourth line and inserting in lieu thereof "eighteen".

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

Liability  
of spouse

(2) A person is liable for the payment of the tax in respect of his or her spouse.

**42.**—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "whose mother is his sole support" in the second and third lines and inserting in lieu thereof "whose parent is a single parent who is the child's sole support".

(2) Clause 144 (3) (a) of the said Act is amended by striking out "whose mother is his sole support" in the second and third lines and inserting in lieu thereof "whose parent is a single parent who is the child's sole support".

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "age of the occupant, his" in the sixth and seventh lines and inserting in lieu thereof "occupant's".

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "age of the occupant, his" in the fifth line and inserting in lieu thereof "occupant's".

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation

(11a) In subsections (11b), (11c) and (12) "surviving spouse" means a person of the opposite sex who was married to the occupant immediately before the occupant's death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant's death.



(11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant's place.

Surviving spouse to remain after occupant's death

(11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

Deemed termination

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "occupant's spouse, as defined in section 14 of the *Family Law Reform Act*" in the third and fourth lines and inserting in lieu thereof "surviving spouse" and by striking out "his" in the sixth line and inserting in lieu thereof "a".

43. Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(g) "spouse" means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

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44. Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.

45. Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:



- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;  
or

**46.** Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

▼  
**47.—**(1) Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

(2) Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”. ▲

**48.** Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Interpretation. (2) For the purposes of clause (1) (b), “related person” means,

- (a) any parent, son or daughter, brother or sister of the employee;

- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

**49.** Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

**50.** Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
  - (i) was married to a deceased partner immediately before the deceased partner died,
  - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
  - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

**51.** Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

**52.** Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

"spouse"  
defined

(2) For the purposes of subsection (1), "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least a year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

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**53.** Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fifth line "(or solemnly affirm)" and by inserting after "God" in the thirteenth line "(omit this phrase in an affirmation)".

**54.** Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

"spouse"  
defined

(2) In this section, "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**55.** Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Age limit

**26.** No person under eighteen years of age shall act as a private investigator or a security guard.

**56.** The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

**57.** Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out "widow" in the fifth line.

**58.—**(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out "British subject by birth or naturalization" in the



second line and inserting in lieu thereof "Canadian citizen or permanent resident of Canada".

(2) Section 4 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by inserting after "God" in the ninth line "(omit this phrase in an affirmation)".

**59.**—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(2) Subsection 10 (2) of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

**60.** Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

Exception  
for higher  
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

**61.** Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

**62.**—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed.

**63.**—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

iv. any relative of that person,



- v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out “or” at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

- (b) a senior officer or director of the issuer;
- (c) a parent, brother, sister or child of the person mentioned in clause (b); or
- (d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out “or” at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or
- D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

**64.** Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.

**65.**—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**5.** In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

Labour in township in which poll tax is not levied

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

➡  
**(2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:**

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

Qualifications of voters

**(3) Subsection 16 (3) of the said Act is repealed.**

**(4) Section 17 of the said Act is amended by striking out "a British subject and otherwise" in the second line.**

**(5) Subsection 19 (1) of the said Act is amended by striking out "that you are a British subject" in the fourth and fifth lines of the oath.**

**(6) Subsection 19 (2) of the said Act is repealed.**



**(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:**

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

Statute labour in unincorporated areas

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and
- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

**66.** Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

To what  
persons  
adminis-  
tration  
shall be  
granted

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.



**67.** Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Canadian  
citizen

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

**68.** Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:

Exception  
for higher  
education

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,



- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

**69.** Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
  - (A) had cohabited for at least one year,
  - (B) were together the parents of a child, or
  - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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**70.—(1) This Act, except,**

Commence-  
ment

- (a) sections 28, 60 and 68;
- (b) subsections 12 (2), (3), (4) and (5);
- (c) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), sections 58, 61, 65 and 67; and
- (d) subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.

(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987. Idem

(3) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988. Idem

(4) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), sections 58, 61, 65 and 67 come into force on the 1st day of July, 1989. Idem

(5) Subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem



Short title

**71.** The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*.

# Bill 7

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

**The Hon. I. Scott**  
*Attorney General*

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<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	
<i>Royal Assent</i>	

*(Reprinted as amended by the Committee of the Whole House)*

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## EXPLANATORY NOTES

This Bill amends various provisions of the statutes to conform to section 15 of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*, as follows:

### Age

**SECTION 2.** *Apprenticeship and Tradesmen's Qualification Act.* A provision requiring an employer to notify any employee under twenty-one years of age of an apprentice training program is repealed.

**SECTION 4.—Subsection 1.** *Children's Law Reform Act.* Consent to a blood test for a minor in determining parentage is presently based on age; only those minors sixteen years of age or more can consent to such a test. The amendment provides that anyone who understands the procedure can consent to it.

**SECTION 12.—Subsection 1.** *Education Act.* A provision that makes binding a contract for repayment of a provincial student loan made by a person under twenty-one is repealed.

**SECTION 16.** *Forest Fires Prevention Act.* A provision giving an officer the right to summon the assistance of physically fit males between eighteen and sixty years of age to control a fire is amended to apply to both sexes over eighteen years of age, with no upper age limit.

**SECTION 19.** *Human Tissue Gift Act.* The minimum age for giving a consent is changed from the age of majority to sixteen years. The minimum age requirement for a substitute consent is removed. For the purpose of a consent by a spouse, the definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 20.—Subsection 3.** *Junior Farmer Establishment Act.* A requirement that an applicant for a loan be at least eighteen and no more than thirty-five years old is removed.

**SECTION 21.—Subsection 3.** *Juries Act.* A provision that a person can elect not to serve on a jury because of advanced age or blindness is repealed.

**SECTION 25.—Subsection 1.** *Law Society Act.* Subsection 14 (2) of the *Law Society Act* provides that *ex officio* Benchers, on attaining the age of seventy-five years, can no longer vote in Convocation or in a committee. This is repealed.

**Subsections 2 to 5.** Provisions of the Act requiring members to be Canadian citizens or British subjects are amended to require that they be Canadian citizens. Commencement of these provisions is postponed to July 1, 1989 to give non-citizen members an opportunity to seek citizenship.

**Subsection 6.** Suspension for incapacity for any cause, is amended to remove a specific reference to age as a ground.

**SECTION 28.** *Legislative Assembly Retirement Allowances Act.* Sections 11 and 19 of the Act provide for a member's or former member's spouse and children under the age of eighteen to receive allowances on the death of the member or former member. These subsections, which deem children over eighteen who are in school full time to be under eighteen, now provide an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

**SECTION 30.—Subsection 4.** *Loan and Trust Corporations Act.* The Act prohibits a loan to any child under twenty-one years of age who is individually or as part of a family group a substantial shareholder. The amendment removes the age reference.

**SECTION 36.** *Motorized Snow Vehicles Act.* The minimum age required to drive a motorized snow vehicle across a highway is raised from fourteen to sixteen years.

**SECTION 37.—Subsection 4.** *Municipal Act.* The Act, which provides for gratuities for fire fighters who have become incapacitated for a number of reasons including old age, is amended to delete the specific reference to age. The section, which also provides for gratuities to widows and children of firefighters killed while on duty, is amended to change “widows” to “surviving spouses”.

**Subsection 5.** The Act empowers a municipality to make by-laws concerning the sale of fireworks to any person under an age to be prescribed by the by-law. It is amended by specifying the age as twelve years.

**SECTION 40.—Subsection 2.** *Municipal Elections Act.* The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

**SECTION 41.—Subsection 1.** *Municipal Health Services Act.* A provision that a municipal council may levy and collect a personal tax in respect of every male and female resident seventeen years of age or over is amended to remove “male and female” and to change the age to eighteen years.

**Subsection 2.** Liability for payment of this tax is presently fixed against a parent in respect of a dependent seventeen year old and against a husband in respect of his wife. The former is repealed and the latter amended to make the liability apply to either spouse in respect of the other.

**SECTION 42.—Subsections 3 and 4.** *Municipality of Metropolitan Toronto Act.* In a provision concerning establishing priority as between classes of occupants of property on Algonquin or Ward’s Island, a specific reference to the age of the occupant as a factor to be considered is removed. The factors remaining are the occupant’s length of residence and any other factors the City of Toronto considers relevant.

**SECTION 47.** *Ontario Pensioners Property Tax Assistance Act.* The limitation period for applying for a grant or for an additional grant under the Act is extended from twelve months to three years from the end of the year to which the grant relates.

**SECTION 49.** *Ophthalmic Dispensers Act.* The Act requires an applicant for registration to be over twenty-one years of age and of good moral character. This is repealed.

**SECTION 51.** *Pawnbrokers Act.* The Act prohibits a pawnbroker from employing or permitting anyone under sixteen years of age to take any pledge in pawn. This is repealed.

**SECTION 55.** *Private Investigators and Security Guards Act.* The minimum age to be a private investigator is changed from twenty-one years to eighteen years.

**SECTION 60.** *Public Service Superannuation Act.* Section 20 provides for a contributor’s spouse and children under the age of eighteen to receive allowances on the death of the contributor. This subsection, which deems children over eighteen who are in school full time to be under eighteen, now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

**SECTION 64.** *Settled Estates Act.* The provision that a married woman may make or consent to or oppose any application whether or not she is of full age is repealed.

**SECTION 65.** *Statute Labour Act.* The Act sets the liability for males over eighteen and under sixty years of age to statute labour. The amendments substitute “person” for “male” and remove the upper age limit. Reference to being a British subject is also removed from the Act.



**SECTION 68.** *Teachers' Superannuation Act, 1983.* This subsection now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

#### *Citizenship*

**SECTION 12.—Subsections 2, 3, 4 and 5.** *Education Act.* Provisions concerning public or separate school electors, which require an elector to be a Canadian citizen or other British subject are amended to remove reference to a British subject. Commencement of these provisions is postponed until July 1, 1988.

**SECTION 25.** *Law Society Act.* See under "age", above.

**SECTION 37.—Subsections 2 and 3.** *Municipal Act.* The provisions of the *Municipal Act* concern applicants to incorporate improvement districts, townships, villages and towns and applicants for annexations. In each case the Act requires the applicant to be a British subject. The amendment would require that the applicant be a Canadian citizen.

**SECTION 58.—Subsection 1.** *Public Officers Act.* The Act requires a person employed in a public office in Ontario to be a British subject. The amendment would require, instead, that the person be a Canadian citizen or a permanent resident of Canada.

**SECTION 61.** *Railways Act.* Subsection 16 (5) of the Act requires that the majority of the Directors of a railway company be British subjects if the company has received aid towards the construction of its railway or undertaking from the Government of Ontario under any Act of the Legislature.

**SECTION 65.** *Statute Labour Act.* See under "age", above.

**SECTION 67.** *Surveyors Act.* The Act requires that a member of the council be a Canadian citizen or a British subject rather than a Canadian citizen or a permanent resident of Canada.

#### *Disability*

**SECTION 14.** *Employment Standards Act.* Section 24 gives the Director of Employment Standards the authority, with the consent of a handicapped person, to authorize the employment of the handicapped person at a wage lower than the minimum wage.

**SECTION 21.** *Juries Act.* See under "age", above.

**SECTION 44.** *Occupational Health and Safety Act.* A provision is repealed that excludes from the definition of "worker" for the purposes of the Act a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or home or rehabilitation facility.

**SECTION 56.** *Private Sanitaria Act.* The Act provides for the licensing of institutions for "the care and treatment of mental and nervous illnesses". The Act provides for the admission and detention of patients in such institutions.

#### *Marital Status*

**SECTION 1.** *Absentees Act.* The Act provides that the Attorney General, the next-of-kin, the wife or husband, creditor or other person may apply for an order declaring a person to be an absentee. The amendment removes the reference to wife or husband and puts in its place the person of the opposite sex to whom the absentee was married or with whom the absentee was living in a conjugal relationship outside marriage.

**SECTION 3.** *Business Corporations Act, 1982.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 4.—Subsection 2.** *Children's Law Reform Act.* Under the Act, where a person is under a duty to pay specified amounts of money to a child, payment directly to the child discharges that duty only if the child is married. Under the amendment, the child would be paid directly if the child had a legal obligation to support another person.

**Subsection 3.** The Act allows a married child to apply for an end to his or her guardianship. The amendment repeals that provision and allows a child who has a legal obligation to support another person to so apply.

**Subsection 4.** The Act allows a married minor to apply in or respond to an action under Part III (custody, access and guardianship). The amendment repeals that provision and allows a minor who is a parent to so apply or respond.

**SECTION 5.** *Compensation for Victims of Crime Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 6.** *Conveyancing and Law of Property Act.* In several sections references to "husband", "wife" and "married woman" are removed. There is no substantive change because the sections presently apply to any person.

**SECTION 7.** *Co-operative Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 8.** *Coroners Act.* The definition of "spouse" is expanded to include a person with whom the deceased was living immediately before death outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 9.** *Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "associate".

**SECTION 10.** *Credit Unions and Caisses Populaires Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "related person".

**SECTION 13.** *Election Act, 1984.* In a provision specifying who may apply on behalf of an elector to obtain a certificate to vote, the definition of "spouse" is expanded to include a person of the opposite sex with whom the elector is living outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 15.—Subsection 1.** *Execution Act.* "Spouse" is defined for all purposes of the Act to include a person of the opposite sex living with a person in a conjugal relationship outside marriage.

**Subsection 2.** The Act provides that after the death of the debtor, chattels exempt from seizure can be retained by the debtor's widow or family, for their benefit. The amendment substitutes "surviving spouse" for widow, so the provision would apply to surviving spouses of both sexes, whether married or not.

**Subsection 3.** The Act provides that the debtor, his widow or family may select out chattels exempt from seizure. The amendment substitutes "surviving spouse" for "widow".

**SECTION 17.** *Fraudulent Debtors Arrest Act.* The provision repealed is: "A married woman is not liable to arrest on mesne or final process".

**SECTION 19.** *Human Tissue Gift Act.* See under "age", above.

**SECTION 20.—Subsections 1 and 2. *Junior Farmer Establishment Act.*** The definition of “family farm” is broadened to include a farm operated by a junior farmer and a spouse, and “spouse” is defined to include a person of the opposite sex to whom the person is living in a conjugal relationship outside marriage.

**SECTION 21.—Subsection 1. *Juries Act.*** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of determining ineligibility to serve under subsection 3 (1).

**Subsection 2.** A person who claims ineligibility to serve on a jury because of living in a conjugal relationship outside marriage with a judge, justice of the peace, lawyer, student-at-law or person engaged in enforcing the law must file a declaration of spousal status.

**Subsection 4.** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that spouses may not be on the same jury list.

**SECTION 24. *Landlord and Tenant Act.*** “Spouse” is defined to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration. References to “husband” or “wife” in the Act are changed to “spouse”. Three provisions under which a landlord requires premises for a spouse are amended to require of unmarried spouses a declaration of spousal status.

**SECTION 30.—Subsections 1, 2, 3 and 5. *Loan and Trust Corporations Act.*** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate” and “related person” and of establishing what investments are prohibited.

**SECTION 32. *McMichael Canadian Collection Act.*** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, with regard to burial of an artist or spouse of the artist.

**SECTION 35. *Mental Incompetency Act.*** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, and “spouse” is substituted for “husband or wife”, in a provision allowing any person, including a husband or wife, to apply for a declaration of mental incompetency in respect of another person.

**SECTION 37.—Subsection 1. *Municipal Act.*** The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration, for all purposes of the Act.

**Subsection 4.** See under “age”, above.

**Subsection 6.** A provision that a spouse’s goods may be seized where those goods are on land subject to tax arrears is amended to include a “spouse” as defined in subsection (1).

**SECTION 38. *Municipal Conflict of Interest Act, 1983.*** The definition of “spouse” is expanded to include a person of the opposite sex living with the person in a conjugal relationship outside marriage. The Act now includes some common law spouses but is more restrictive.

**SECTION 39. *Municipal Elderly Resident’s Assistance Act.*** The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

**SECTION 40.—Subsection 1. *Municipal Elections Act.*** The definition of “spouse” is expanded to include a person of the opposite sex with whom a person is living outside



marriage in a conjugal relationship of at least one year's duration for all purposes of the Act.

**SECTION 41.—Subsection 2.** *Municipal Health Services Act.* See under “age”, above.

**SECTION 42.—Subsections 5 and 6.** *Municipality of Metropolitan Toronto Act.* In a provision concerning the rights of a surviving spouse of an occupant of property on Algonquin or Ward's Island to remain on the property, the definition of spouse is expanded to include a person who was living with the occupant in a conjugal relationship outside marriage immediately before the occupant's death and the spouse is required to make a declaration of spousal status to so remain.

**SECTION 43.** *Non-resident Agricultural Land Interests Registration Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “ordinarily resident in Canada”.

**SECTION 45.** *Ontario Energy Board Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

**SECTION 46.** *Ontario Mineral Exploration Program Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

**SECTION 48.** *Ontario Youth Employment Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “related person”.

**SECTION 50.** *Partnerships Act.* The Act provides that a surviving spouse or child of a deceased partner who receives by way of annuity a portion of the profits of the deceased partner's business is not by reason of such receipt a partner or liable as such. The amendment makes the provision apply also to a person of the opposite sex with whom the partner was living in a conjugal relationship outside marriage.

**SECTION 52.** *Perpetuities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives outside marriage in a conjugal relationship of at least one year's duration, with regard to a disposition in favour of a spouse. The definition of “spouse” in the Act now includes some common law spouses, but is more restrictive.

**SECTION 54.** *Powers of Attorney Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that if a power of attorney may be exercised during any subsequent legal incapacity of the donor, the power shall be executed in the presence of a witness other than the attorney or the attorney's spouse.

**SECTION 57.** *Public Lands Act.* The Act provides that lands are not to be liable for debts incurred before the issue of letters patent by the purchaser, his widow, heirs or devisees. The amendment deletes reference to the widow.

**SECTION 63.** *Securities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate” and in a provision exempting from prospectus requirements a spouse of the issuer if the spouse has access to substantially the same information concerning the issuer that a prospectus would provide.

**SECTION 64.** *Settled Estates Act.* See under “age”, above.

**SECTION 66.** *Surrogate Courts Act.* The Act provides that where a person dies intestate or the executor refuses to prove the will, the court may in its discretion commit adminis-



tration to the husband, the wife, the next-of-kin or the wife and next-of-kin. The amendment substitutes "spouse" for "husband" and "wife" and expands "spouse" to include a person of the opposite sex with whom the person is living in a conjugal relationship outside marriage.

**SECTION 69.** *Workers' Compensation Act.* Definition of "spouse" is amended.

*Religion or Creed*

The following oaths are amended to permit an affirmation:

**SECTION 11.** *Crown Timber Act*, for an examiner and a scaler.

**SECTION 22.** *Justices of the Peace Act*, for a justice of the peace.

**SECTION 23.—Subsection 2.** *Labour Relations Act*, for a conciliation board member.

**SECTION 27.** *Legislative Assembly Act*, for a committee witness and an employee of the Office of the Assembly.

**SECTION 31.** *Lord's Day (Ontario) Act.* The Act empowers municipalities to pass by-laws allowing people to engage in various activities otherwise disallowed under the *Lord's Day Act* (Canada). The *Lord's Day Act* (Canada) has been ruled of no force and effect by the Supreme Court of Canada.

**SECTION 53.** *Police Act*, for a police chief, police officer or constable.

**SECTION 58.—Subsection 2.** *Public Officers Act.* The oath of a public officer is amended to permit an affirmation.

**SECTION 59.** *Public Service Act*, for a civil servant.

**SECTION 62.** *Retail Business Holidays Act.* The provisions to be repealed refer to the *Lord's Day (Ontario) Act*, which is to be repealed by section 31 of this Bill, and to the *Lord's Day Act* (Canada) which has been ruled of no force and effect by the Supreme Court of Canada.

*Sex*

**SECTION 6.** *Conveyancing and Law of Property Act.* See under "marital status", above.

**SECTION 15.—Subsections 2 and 3.** *Execution Act.* See under "marital status", above.

**SECTION 16.** *Forest Fires Prevention Act.* See under "age", above.

**SECTION 17.** *Fraudulent Debtors Arrest Act.* See under "marital status", above.

**SECTION 21.—Subsection 5.** *Juries Act.* A provision allowing a judge to make an order for an all male or an all female jury is repealed.

**SECTION 26.** *Legal Aid Act.* The following provision is repealed:

"A certificate shall not be issued to a person in proceedings wholly or partly in respect of defamation or loss of service of a female in consequence of rape."

**SECTION 29.** *Libel and Slander Act.* A provision dispensing with proof of special damage in an action arising from the imputing of unchastity or adultery of a woman is repealed.

**SECTION 34.** *Mental Hospitals Act.* A provision that a man is liable for maintenance of his wife where his wife is a patient is amended to apply equally to both sexes.

**SECTION 37.—Subsection 4.** *Municipal Act.* See under “age”, above.

**SECTION 41.—Subsections 1 and 2.** *Municipal Health Services Act.* See under “age”, above.

**SECTION 42.—Subsections 1 and 2.** *Municipality of Metropolitan Toronto Act.* The provisions concern the right of a child of a sole supporting mother to attend school without paying a fee. The amendment is made to apply in respect of a sole supporting father as well.

**SECTION 57.** *Public Lands Act.* See under “marital status”, above.

**SECTION 64.** *Settled Estates Act.* See under “age”, above.

**SECTION 65.** *Statute Labour Act.* See under “age”, above.

**SECTION 66.** *Surrogate Courts Act.* See under “marital status”, above.

#### *General*

**SECTION 18.—Subsections 1 to 6.** *Human Rights Code, 1981.* Self-explanatory.

**Subsection 7.** Section 9 of the Act is amended to provide for equal treatment without discrimination because a woman is or may become pregnant.

**Subsections 8, 9, 10, 11, 16 and 17.** Section 16 of the Act limits the protection of the Act in respect of people with handicaps. The part of it that limits the application of the Act because a person does not have access to premises, services, goods, facilities or accommodation or cannot use them because they lack the appropriate amenities is repealed. The part of it that limits the application of the Act because a person cannot perform or fulfill the essential duties or requirements attending exercise of a right is preserved. Section 10 of the Act, dealing with constructive discrimination, is re-worded to ensure that it applies to discrimination on the basis of handicap and to make section 16 subject to it.

**Subsection 12.** Subsection 19 (2) of the Act provides that restriction of membership in an athletic organization or participation in an athletic activity to members of the same sex is not an infringement of a right under the *Code*. This is repealed.

**Subsection 13.** Subsection 20 (3) of the Act provides that the Act does not apply with respect to discrimination on the basis of marital status with respect to the occupancy of residential accommodation where the building contains no more than four dwelling units, one of which is occupied by the owner or his or her family. This is repealed.

**Subsection 14.** Subsection 20 (4) of the Act provides that the Act does not apply with respect to discrimination on the basis of family status with respect to the occupancy of residential accommodation in a building or part of a building that contains more than one dwelling unit served by a common entrance and the occupancy of all the residential accommodation in the building or in the designated part of the building is restricted because of family status. This is repealed.

**Subsection 15.** Section 23 relates to discrimination in employment. Clause (1) (b) relates to discrimination for reasons of age, sex, record of offences or marital status.

**SECTION 23.—Subsections 1, 3 and 4.** *Labour Relations Act.* Several provisions of this Act which prohibit discrimination on the basis of a number of named grounds are expanded to prohibit discrimination on the basis of any ground not allowed by the *Human Rights Code, 1981* or by section 15 of *Canadian Charter of Rights and Freedoms*.

**SECTION 33.** *Mental Health Act.* Extensive amendments are made in relation to age and disability.

**Subsection 1.** The definition of "nearest relative" (used for establishing who may consent to certain acts) is revised.

**Subsection 2.** The definition of "regional review board" is repealed. A review board is provided for in this Bill.

**Subsection 3.** The definition of "restrain" is amended.

**Subsection 4.** The term "review board" is defined.

**Subsection 5.** Section 8 of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 6.** New section 8a is added to the Act to provide for children as informal patients in psychiatric facilities.

**Subsection 7.** New section 8b of the Act provides that the authority to detain and restrain a patient does not apply in respect of an informal or voluntary patient.

**Subsection 8.** The amendment reduces the period of time during which a person may be detained for a psychiatric examination from 120 hours to 72 hours.

**Subsections 9 to 12.** Subsections 10 (1) and (3) and sections 11 and 12 of the Act are amended to change the term "assessment" to "examination".

**Subsection 13.** Section 13 of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 14.** Subsection 14 (1) of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 15.** Subsection 14 (3) of the Act is amended to reduce the detention period from 120 hours to 72 hours and to refer to voluntary patients as well as to informal patients.

**Subsection 16.** Subsections 14 (5), (6) and (7) of the Act are amended to refer to voluntary patients as well as informal patients.

**Subsection 17.** Clause 20 (3) (b), which relates to communication by or to a patient, is amended to remove the reference to an "advisory review board".

**Subsections 18 and 19.** Section 29 of the Act relates to disclosure of clinical records. Subsections 29 (1) and (2) are amended to refer to new section 29a, which relates to patient access to clinical records and which is added by this Bill.

**Subsection 20.** Subsection 29 (3) of the Act is amended to change "age of majority" to "age of sixteen years".

**Subsection 21.** New subsection 29 (3a) is added to the Act. The subsection deals with the consent of a spouse in relation to a clinical record.

**Subsections 22, 23 and 24.** The term "age of majority" is replaced by "age of sixteen years".

**Subsection 25.** New section 29a is added to the Act. The section deals with patient access to clinical records.



**Subsection 26.** Subsections 30 (1) to (4) of the Act establish the composition of the new review board to have jurisdiction throughout Ontario.

**Subsection 27.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 28.** New subsections 30a (1a) and (1b) provide for notices to patients and to the area director under the *Legal Aid Act*, in the circumstances set out in those subsections.

**Subsections 29, 30 and 31.** The amendments relate to the new composition and jurisdiction of the review board.

**Subsections 32 and 33.** New sections 32 and 32a relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

**Subsections 34 and 35.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsections 36 and 37.** New sections 33b and 33c also relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

**Subsection 38.** Self-explanatory.

**Subsections 39 to 43.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsections 44, 45 and 46.** New subsections 33f (1a) to (1i), (2) and (2a) relate to procedures for appeals from decisions of the review board.

**Subsections 47, 48 and 49.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsection 50.** Section 34 of the Act provides for an advisory review board. The advisory review board is now provided for under the *Criminal Code* (Canada).

**Subsection 51.** Subsection 35 (2) of the Act is amended to change "age of majority" to "age of sixteen years" and to remove a reference to "regional" in relation to the review board.

**Subsection 52.** New subsections 35 (2a), (2b) and (2c) authorize an involuntary patient to apply to the review board for an inquiry into whether the patient is not mentally competent.

**Subsection 53.** The effect of the amendment is to require the consent of an involuntary patient for treatment where the patient is mentally competent and to require the consent of the nearest relative of an involuntary patient for treatment where the patient is not mentally competent and there is a nearest relative.

**Subsection 54.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 55.** Subsection 35 (5) of the Act is re-enacted to provide new criteria to govern the review board in determining whether it should authorize psychiatric treatment.

**Subsection 56.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 57.** New subsection 35 (7) provides that the consent of a person who claims to be a spouse is valid for the purposes of the Act if the person who acted upon the con-



sent had no reason to believe that the person who gave the consent was not the spouse. New subsection 35 (8) prevents the providing of psychiatric treatment to a patient pending the outcome of an appeal related to the treatment, unless otherwise ordered by a judge of the court appealed to.

**Subsection 58.** New section 35a of the Act requires documentation in the clinical record when a patient is restrained.

**Subsection 59.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 60.** Internal cross-references are revised.

**Subsections 61 and 62.** Subsection 65 (1) of the Act authorizes the making of regulations. The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsection 63.** Clause 65 (1) (j) provided for time limits for decisions of the review board and advisory review board. Times in respect of the review board are now provided in new sections 33b and 33c. The advisory review board is governed by the *Criminal Code* (Canada).

**Subsections 64 and 65.** The amendments are complementary to the new composition and jurisdiction of the review board.

#### **SECTION 70.** Commencement.

Amendments respecting pensions come into force on the 1st day of January, 1987.

An amendment repealing a provision allowing the employment of handicapped persons at less than the minimum wage comes into force on the 1st day of March, 1987.

Provisions related to citizenship come into force three years after they were first made public.

Provisions that require supporting regulations or forms come into force on proclamation.

Bill 7

1986

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application for the order may be made by,

Application,  
who may  
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

**2.** Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

**3.** Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:

43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Consent  
where  
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

**(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:**

- (a) the child, if the child has a legal obligation to support another person.

**(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".**

**(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".**

**5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

(fa) "spouse" means,

- (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

**(2) Subsection 1 (2) of the said Act is repealed.**

**6.—(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.**

**(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.**

**7. Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:**

- 24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**8. Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

- (e) “spouse” means a person of the opposite sex,
- (i) to whom the deceased was married immediately before his or her death,
  - (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,



- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**9.—**(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

**10.** Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) “related person”, where used to indicate a relationship with any person, means,
  - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
  - (ii) any son or daughter of the person, or
  - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

**11.—**(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Oath of  
examiners

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

I, ..... do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

**(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:**

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form: Scaler's oath

I, ..... do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

**12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.**

**(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:**

(1) In this section and in sections 65 and 66, "public school electors" in respect of territory without municipal organization means, Public school electors

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

**(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:**

3. I am a Canadian citizen.

**(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:**

(a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out "or other British subject" in the second and third lines.

**13.** Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

"spouse"  
defined

(3) In this section, "spouse" means a person of the opposite sex,

(a) to whom the person is married; or

(b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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**14.—**(1) Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-  
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

**15.—**(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(c) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;

(d) "surviving spouse" means a person who was the person's spouse at the time of his or her death.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of  
exempted  
goods after  
death of  
debtor

**5.—**(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.



(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family. Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit. Idem

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

**16.** Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

**17.** Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

**18.—(1)** Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

(4) The said Act is amended by adding thereto the following section:

**3a.—(1)** Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. Accommodation of person under eighteen

(2) A contract for accommodation entered into by a sixteen or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old. Idem

(5) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".



**(6) Section 5 of the said Act is amended by inserting after “sex” in the fifth line “sexual orientation”.**

**(7) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:**

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

**(8) Section 10 of the said Act is repealed and the following substituted therefor:**

Constructive  
discrimina-  
tion

**10.—(1)** A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

**(9) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:**

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

**(10) Section 16 of the said Act is amended by adding thereto the following subsections:**

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. | Reasonable accommodation

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. | Idem

**(11) Subsection 16 (2) of the said Act is amended by striking out "the provision of access or amenities or as to" in the fifth and sixth lines.**

**(12) Subsection 19 (2) of the said Act is repealed.**

**(13) Subsection 20 (3) of the said Act is repealed.**

**(14) Subsection 20 (4) of the said Act is repealed.**

**(15) Section 23 of the said Act is amended by adding thereto the following subsections:**

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. | Reasonable accommodation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. | Idem

**(16) Subsections 40 (2) and (3) of the said Act are repealed.**

**(17) Clause 47 (a) of the said Act is repealed and the following substituted therefor:**

(a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

**19.—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is**

amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(2) Subsection 3 (2) of the said Act is amended by striking out "majority" in the second line and in the seventh line and inserting in lieu thereof in each instance "sixteen years".

(3) Subsection 4 (1) of the said Act is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(4) Subsection 4 (2) of the said Act is amended by striking out "majority" in the second line and in the fifth line and inserting in lieu thereof in each instance "sixteen years".

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

"spouse"  
defined

(1) In this section, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person's death, was living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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Consent by  
spouse, etc.,  
for use of  
body  
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person's death is imminent,

- (a) the person's spouse; or
- (b) if none or if the spouse is not readily available, any one of the person's children; or
- (c) if none or if none is readily available, either one of the person's parents; or
- (d) if none or if neither is readily available, any one of the person's brothers or sisters; or



- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

**20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (e) "family farm" means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

**(2) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ja) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**(3) Clause 12 (1) (a) of the said Act is repealed.**

**21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom



that person is living in a conjugal relationship outside marriage.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Declaration  
of unmarried  
spouses

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

(3) Subsection 4 (2) of the said Act is repealed.

(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:

Panel  
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

(5) Section 34 of the said Act is repealed.

**22.** Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".

**23.—**(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code*, 1981 or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Clause 31 (b) of the said Act is amended by adding at the end thereof "and affirmations".

(4) Clause 44 (8) (b) of the said Act is amended by adding at the end thereof "and affirmations".

(5) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

- (b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*. 1981, c. 53

(6) Subsection 102 (8) of the said Act is amended by inserting after "swear" in the fifth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(7) Clause 103 (2) (b) of the said Act is amended by adding at the end thereof "and affirmations".

(8) Subsection 127 (5) of the said Act is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*".

**24.—**(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ca) "spouse" means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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(2) Subsection 31 (2) of the said Act is amended by striking out "wife, husband" in the seventeenth line and inserting in lieu thereof "spouse".

**(3) Section 105 of the said Act is amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**25.—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.**

**(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.**

**(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.**

**(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.**

**(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:**

Transition re  
British  
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.



(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person. Re-admission

(6) Section 35 of the said Act is amended by striking out "age" in the fourth line.

**26.** Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out "or loss of service of a female in consequence of rape" in the second line.

**27.—**(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after "swear" in the second line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Form 3 of the said Act is amended by inserting after "swear" in the second line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

**28.—**(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of, Exception  
for higher  
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.



**(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:**

Exception  
for higher  
education

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

**29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.**

**30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.**

**(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:**

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

**(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:**

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in

clauses (a) and (aa), who has the same home as that person; or

. . . . .

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**31.** The *Lord's Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

**32.** Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist's death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist's death”.

**33.—(1)** Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (j) “nearest relative” means,
  - (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
  - (ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or

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(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

- (iii) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (iv) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (v) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vi) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

**(2) Clause 1 (r) of the said Act is repealed.**

**(3) Clause 1 (t) of the said Act is amended,**

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

**(4) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ta) “review board” means the review board appointed under section 30.

**(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.**

**(6) The said Act is amended by adding thereto the following section:**

**8a.**—(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

Child as  
informal  
patient

(2) Upon the completion of six months after the later of the child's admission to the psychiatric facility as an informal patient or the child's last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Application  
deemed  
made

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

Consider-  
ations

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child's needs can be adequately met if the child is not an informal patient in the psychiatric facility;
- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of  
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

**(7) The said Act is further amended by adding thereto the following section:**

**8b.** Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or  
voluntary  
patient



(8) Clause 9 (5) (b) of the said Act is amended by striking out “120” in the fourth line and inserting in lieu thereof “72”.

(9) Subsection 10 (1) of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(10) Subsection 10 (3) of the said Act is amended by striking out “assessment” in the sixth line and inserting in lieu thereof “examination”.

(11) Section 11 of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(12) Section 12 of the said Act is amended by striking out “assessment” in the first line and in the third line and inserting in lieu thereof in each instance “examination”.

(13) Section 13 of the said Act is amended by inserting after “informal” in the second line “or voluntary”.

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after “informal” where it appears in the first line and in the sixth line “or voluntary”; and
- (b) in clause (c), by inserting after “informal” in the thirteenth line “or voluntary”.

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out “120” in the fourth line and inserting in lieu thereof “72”; and
- (b) by inserting after “informal” in the sixth line “or voluntary”.

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after “informal” in the second line “or voluntary”;
- (b) in subsection (6), by inserting after “informal” in the second line “or voluntary”; and
- (c) in subsection (7), by inserting after “informal” in the second line “or voluntary”.

(17) Clause 20 (3) (b) of the said Act is amended by striking out “a review board or advisory review board under this Act” in the first and second lines and inserting in lieu thereof “the review board”.

(18) Subsection 29 (1) of the said Act is amended by inserting after “section” in the first line “and in section 29a”.

(19) Subsection 29 (2) of the said Act is amended by inserting after “subsections (3) and (5)” in the first line “and section 29a”.

(20) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section claims to be, Consent of spouse

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(22) Clause 29 (9) (a) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(23) Clause 29 (9) (b) of the said Act is amended by striking out “majority” in the second line and inserting in lieu thereof “sixteen years”.

(24) Clause 29 (9) (c) of the said Act is amended by striking out "majority" in the fifth line and inserting in lieu thereof "sixteen years".

(25) The said Act is further amended by adding thereto the following section:

Patient access  
to clinical  
record

**29a.**—(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient's own expense the clinical record of the patient's observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record.

Request

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge.

Duty of  
officer in  
charge

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it.

Application  
to review  
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to  
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by  
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

- (a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or
- (b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.



(9) The review board may hear any submissions from the patient in the absence of the attending physician. Idem

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order. Severability

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused. Reasons

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4). Procedure  
R.S.O. 1980,  
c. 484

(13) A patient who is allowed to examine or copy a clinical record is entitled to, Right of  
correction

- (a) request correction of the information in it where the patient believes there is an error or omission in it;
- (b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and
- (c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application  
for review of  
patient  
determined  
incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14). Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record. Where  
patient not  
mentally  
competent,  
etc.



Application  
of  
subss. (2-13)

(17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16).

**(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:**

Review  
board

(1) There shall be a review board and the Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board.

Panels

(2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor.

Chairmen of  
panels

(3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment  
of duties

(4) The Lieutenant Governor in Council shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

**(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".**

**(28) Section 30a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:**

Notice re  
competence  
to patient

(1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980,  
c. 234

Notice of  
child's right

(1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

(29) Subsection 30a (2) of the said Act is amended by inserting after “(1)” in the first line “(1a) or (1b)” and by striking out “regional” in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the second and third lines and inserting in lieu thereof “review board”.

(31) Subsection 31 (4) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the fourth and fifth lines and inserting in lieu thereof “review board”.

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

**32.** Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

Hearing  
deemed  
abandoned

(33) The said Act is further amended by adding thereto the following section:

**32a.**—(1) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate.

Extension of  
certificate for  
review

(2) An extension of a certificate under subsection (1) is effective,

Authority of  
extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.

Renewal of  
certificate

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate.

Authority of  
certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4).

Notice

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate.

Renewal  
deemed a  
nullity

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a nullity and the extended certificate remains in effect for the period provided under subsection (1).

**(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the third line.**

**(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the fourth line.**

**(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

Appointment  
of time and  
place for  
hearing

**33b.**—(1) Where the review board receives notice in writing placing a matter before it for decision, it shall appoint a time and place for and hold a hearing.

Hearing  
within seven  
days

(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.

**(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

Powers of  
board

**33c.**—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.



(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician. Opinion substituted

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision. Written reasons

➡  
**(38) Subsection 33d (2) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

(2) Subject to subsections 29 (6) and (7), where a party to a proceeding is sixteen years of age or older and mentally competent, the party or the counsel or agent representing the party, or both, is entitled to examine and to copy any clinical record prepared in respect of the patient. Party may examine clinical record

(3) Subject to subsections 29 (6) and (7), where a party to a proceeding is under the age of sixteen years or is not mentally competent, the counsel or agent representing the party is entitled to examine and to copy any clinical record prepared in respect of the patient. Idem

(4) Nothing in subsection (3) prevents the counsel or agent representing a party described in subsection (3) from disclosing a clinical record to that party. Idem  
▲

**(39) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line and in the eighth line.**

**(40) Subsection 33e (2) of the said Act is amended by striking out "regional" in the first line, in the second line and in the fifth line.**

**(41) Subsection 33e (3) of the said Act is amended by striking out "regional" in the first line.**

**(42) Subsection 33e (4) of the said Act is amended by striking out "regional" in the third line.**

**(43) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line.**

**(44) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:**



Time for  
appeal

(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.

Time for  
answer

(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.

Exception

(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).

Extension of  
discontinued  
certificate

(1d) Where an appeal is taken against a decision by the review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.

Extension of  
certificate for  
appeal

(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.

Authority of  
extension

(1f) An extension of a certificate under subsection (1e) is effective,

(a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;

(b) until the certificate is rescinded; or

(c) until the party appealing withdraws the appeal,

whichever first occurs.

Renewal of  
certificate

(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.

Authority of  
certificate

(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).

Evidence for  
extension

(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satis-

fied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

**(45)** Subsection 33f (2) of the said Act is repealed and the following substituted therefor:

(2) Where a party appeals from a decision or an order of the review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal.

Transcript  
and record

**(46)** The said section 33f is further amended by adding thereto the following subsection:

(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal.

Early date  
for appeal

**(47)** Subsection 33f (4) of the said Act is amended by striking out "regional" in the second line.

**(48)** Subsection 33f (5) of the said Act is amended by striking out "regional" in the third line.

**(49)** Subsection 33f (6) of the said Act is amended by striking out "regional" in the second line.

**(50)** Section 34 of the said Act is repealed.

**(51)** Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years" and by striking out "regional" in the sixth line.

**(52)** Section 35 of the said Act is amended by adding thereto the following subsections:

(2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent.

Application  
for review of  
patient  
determined  
incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined.

Idem

Idem

(2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

**(53) Clause 35 (4) (a) of the said Act is repealed and the following substituted therefor:**

- (a) an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and

**(54) Subsection 35 (4) of the said Act is amended by striking out "regional" in the second last line.**

**(55) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:**

Criteria for  
treatment  
order

(5) Where the review board is satisfied,

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

**(56) Subsection 35 (6) of the said Act is amended by striking out "regional" in the fourth line.**

**(57) Section 35 of the said Act is further amended by adding thereto the following subsections:**

Consent of  
spouse

(7) Where a person who gives a consent under this section claims to be,

- (a) married to the patient; or



(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to. Treatment pending appeal

**(58) The said Act is further amended by adding thereto the following section:**

**35a.**—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained. Documentation of use of restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage. Chemical restraint

**(59) Subsection 43 (1) of the said Act is amended by striking out "chairman of the review board having jurisdiction" in the third and fourth lines and inserting in lieu thereof "review board".**

**(60) Subsection 43 (2) of the said Act is amended by striking out "31, 32 and 33" in the second and third lines and inserting in lieu thereof "33, 33a, 33b, 33c, 33d, 33e and 33f".**

**(61) Clause 65 (1) (h) of the said Act is amended by striking out "a" in the second line and inserting in lieu thereof "the".**



(62) Clause 65 (1) (i) of the said Act is amended by striking out “review boards and advisory review boards” in the second line and inserting in lieu thereof “the review board”.

(63) Clause 65 (1) (j) of the said Act is repealed.

(64) Clause 65 (1) (k) of the said Act is amended by striking out “review boards and advisory review boards” in the second and third lines and inserting in lieu thereof “the review board and the co-ordinator”.

(65) Clause 65 (1) (l) of the said Act is amended by striking out “review boards and advisory review boards” in the first and second lines and inserting in lieu thereof “the review board”.

**34.** Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Liability  
for spouse

**19.** Every person whose spouse is a patient is liable for the maintenance of that spouse.

**35.** Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

By whom  
application  
to be made

(2) The application may be made by,

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

**36.** Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

**37.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:**

(2) In this Act, “spouse” means a person of the opposite sex, “spouse”  
defined

- (a) to whom the person is married; or
- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

**(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:**

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years. Qualifications  
of applicants

**(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out “British subjects” in the fifth line and inserting in lieu thereof “Canadian citizens”.**

**(4) Section 101 of the said Act is amended,**

- (a) by striking out “old age or” in the fourth line; and
- (b) by striking out “widows” in the sixth line and inserting in lieu thereof “surviving spouses”.

**(5) Paragraph 30 of section 210 of the said Act is amended by striking out “such age as the by-law may prescribe” in the fourth and fifth lines and inserting in lieu thereof “the age of twelve years”.**

(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out “wife, husband” in the first line and inserting in lieu thereof “spouse”.

**38.** Clause 1 (n) of the *Municipal Conflict of Interest Act, 1983*, being chapter 8, is repealed and the following substituted therefor:

- (n) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**39.** Section 1 of the *Municipal Elderly Resident’s Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) “spouse” means a person of the opposite sex,
  - (i) to whom the person is married, or
  - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or
    - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**40.—(1)** Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

- 37. “spouse” means a person of the opposite sex,
  - (a) to whom the person is married, or
  - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (i) have cohabited for at least one year,
    - (ii) are together the parents of a child, or

- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended by striking out "eighteen" in the second line and inserting in lieu thereof "sixteen".

**41.**—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out "male and female" in the third and fourth lines; and
- (b) by striking out "seventeen" in the fourth line and inserting in lieu thereof "eighteen".

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

(2) A person is liable for the payment of the tax in respect of his or her spouse.

Liability  
of spouse

**42.**—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "whose mother is his sole support" in the second and third lines and inserting in lieu thereof "whose parent is a single parent who is the child's sole support".

(2) Clause 144 (3) (a) of the said Act is amended by striking out "whose mother is his sole support" in the second and third lines and inserting in lieu thereof "whose parent is a single parent who is the child's sole support".

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "age of the occupant, his" in the sixth and seventh lines and inserting in lieu thereof "occupant's".

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "age of the occupant, his" in the fifth line and inserting in lieu thereof "occupant's".

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:



## Interpretation

(11a) In subsections (11b), (11c) and (12), “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

## Surviving spouse to remain after occupant’s death

(11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant’s place.

## Deemed termination

(11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “occupant’s spouse, as defined in section 14 of the *Family Law Reform Act*” in the third and fourth lines and inserting in lieu thereof “surviving spouse” and by striking out “his” in the sixth line and inserting in lieu thereof “a”.

**43.** Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(g) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

**44.** Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.

**45.** Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;  
or

**46.** Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

**47.—**(1) Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

(2) Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”.

**48.** Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (2) For the purposes of clause (1) (b), “related person” Interpretation means,

- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

**49.** Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

**50.** Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
  - (i) was married to a deceased partner immediately before the deceased partner died,
  - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
  - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

**51.** Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

**52.** Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), "spouse" means a person of the opposite sex, "spouse"  
defined

(a) to whom the person is married; or

(b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(i) have cohabited for at least a year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

**53.** Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fifth line "(or solemnly affirm)" and by inserting after "God" in the thirteenth line "(omit this phrase in an affirmation)".

**54.** Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) In this section, "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. "spouse"  
defined

**55.** Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**26.** No person under eighteen years of age shall act as a private investigator or a security guard. Age limit

**56.** The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

**57.** Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out "widow" in the fifth line.



**58.**—(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out “British subject by birth or naturalization” in the second line and inserting in lieu thereof “Canadian citizen or permanent resident of Canada”.

(2) Section 4 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation).”

**59.**—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

**60.** Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Exception  
for higher  
education

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

**61.** Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

**62.**—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed.

**63.**—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- iv. any relative of that person,
- v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

**(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out “or” at the end thereof.**

**(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:**

- (b) a senior officer or director of the issuer;
- (c) a parent, brother, sister or child of the person mentioned in clause (b); or
- (d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

**(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out “or” at the end thereof.**

**(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:**

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or
- D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

**64. Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.**

**65.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Labour in township in which poll tax is not levied

**5.** In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and high-ways in the township.

**(2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:**

Qualifications of voters

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

**(3) Subsection 16 (3) of the said Act is repealed.**

**(4) Section 17 of the said Act is amended by striking out “a British subject and otherwise” in the second line.**

**(5) Subsection 19 (1) of the said Act is amended by striking out “that you are a British subject” in the fourth and fifth lines of the oath.**

**(6) Subsection 19 (2) of the said Act is repealed.**

**(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:**

Statute labour in unincorporated areas

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and

- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

**66. Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

To what persons administration shall be granted

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

**67. Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

Canadian citizen

**68. Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:**

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age

Exception for higher education



of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

**69.** Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
  - (A) had cohabited for at least one year,
  - (B) were together the parents of a child, or
  - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

Commence-  
ment

**70.—(1) This Act, except,**

- (a) sections 28, 60 and 68;
- ➡ (b) subsections 12 (2), (3), (4) and (5);
- (c) section 14;
- (d) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67; and ➡
- (e) subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.

Idem

(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987.

Idem

(3) Section 14 comes into force on the 1st day of March, 1987. ➡

Idem

(4) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988.

(5) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67 come into force on the 1st day of July, 1989. Idem

(6) Subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

**71.** The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*. Short title









# Bill 7

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

The Hon. I. Scott  
*Attorney General*

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<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	
<i>Royal Assent</i>	

*(Reprinted as amended by the Committee of the Whole House)  
(On Second Referral)*

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## EXPLANATORY NOTES

This Bill amends various provisions of the statutes to conform to section 15 of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*, as follows:

### Age

**SECTION 2.** *Apprenticeship and Tradesmen's Qualification Act.* A provision requiring an employer to notify any employee under twenty-one years of age of an apprentice training program is repealed.

**SECTION 4.—Subsection 1.** *Children's Law Reform Act.* Consent to a blood test for a minor in determining parentage is presently based on age; only those minors sixteen years of age or more can consent to such a test. The amendment provides that anyone who understands the procedure can consent to it.

**SECTION 12.—Subsection 1.** *Education Act.* A provision that makes binding a contract for repayment of a provincial student loan made by a person under twenty-one is repealed.

**SECTION 16.** *Forest Fires Prevention Act.* A provision giving an officer the right to summon the assistance of physically fit males between eighteen and sixty years of age to control a fire is amended to apply to both sexes over eighteen years of age, with no upper age limit.

**SECTION 19.** *Human Tissue Gift Act.* The minimum age for giving a consent is changed from the age of majority to sixteen years. The minimum age requirement for a substitute consent is removed. For the purpose of a consent by a spouse, the definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 20.—Subsection 3.** *Junior Farmer Establishment Act.* A requirement that an applicant for a loan be at least eighteen and no more than thirty-five years old is removed.

**SECTION 21.—Subsection 3.** *Juries Act.* A provision that a person can elect not to serve on a jury because of advanced age or blindness is repealed.

**SECTION 25.—Subsection 1.** *Law Society Act.* Subsection 14 (2) of the *Law Society Act* provides that *ex officio* Benchers, on attaining the age of seventy-five years, can no longer vote in Convocation or in a committee. This is repealed.

**Subsections 2 to 5.** Provisions of the Act requiring members to be Canadian citizens or British subjects are amended to require that they be Canadian citizens. Commencement of these provisions is postponed to July 1, 1989 to give non-citizen members an opportunity to seek citizenship.

**Subsection 6.** Suspension for incapacity for any cause, is amended to remove a specific reference to age as a ground.

**SECTION 28.** *Legislative Assembly Retirement Allowances Act.* Sections 11 and 19 of the Act provide for a member's or former member's spouse and children under the age of eighteen to receive allowances on the death of the member or former member. These subsections, which deem children over eighteen who are in school full time to be under eighteen, now provide an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

**SECTION 30.—Subsection 4.** *Loan and Trust Corporations Act.* The Act prohibits a loan to any child under twenty-one years of age who is individually or as part of a family group a substantial shareholder. The amendment removes the age reference.

**SECTION 36.** *Motorized Snow Vehicles Act.* The minimum age required to drive a motorized snow vehicle across a highway is raised from fourteen to sixteen years.

**SECTION 37.—Subsection 4.** *Municipal Act.* The Act, which provides for gratuities for fire fighters who have become incapacitated for a number of reasons including old age, is amended to delete the specific reference to age. The section, which also provides for gratuities to widows and children of firefighters killed while on duty, is amended to change “widows” to “surviving spouses”.

**Subsection 5.** The Act empowers a municipality to make by-laws concerning the sale of fireworks to any person under an age to be prescribed by the by-law. It is amended by specifying the age as twelve years.

**SECTION 40.—Subsection 2.** *Municipal Elections Act.* The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

**SECTION 41.—Subsection 1.** *Municipal Health Services Act.* A provision that a municipal council may levy and collect a personal tax in respect of every male and female resident seventeen years of age or over is amended to remove “male and female” and to change the age to eighteen years.

**Subsection 2.** Liability for payment of this tax is presently fixed against a parent in respect of a dependent seventeen year old and against a husband in respect of his wife. The former is repealed and the latter amended to make the liability apply to either spouse in respect of the other.

**SECTION 42.—Subsections 3 and 4.** *Municipality of Metropolitan Toronto Act.* In a provision concerning establishing priority as between classes of occupants of property on Algonquin or Ward’s Island, a specific reference to the age of the occupant as a factor to be considered is removed. The factors remaining are the occupant’s length of residence and any other factors the City of Toronto considers relevant.

**SECTION 47.** *Ontario Pensioners Property Tax Assistance Act.* The limitation period for applying for a grant or for an additional grant under the Act is extended from twelve months to three years from the end of the year to which the grant relates.

**SECTION 49.** *Ophthalmic Dispensers Act.* The Act requires an applicant for registration to be over twenty-one years of age and of good moral character. This is repealed.

**SECTION 51.** *Pawnbrokers Act.* The Act prohibits a pawnbroker from employing or permitting anyone under sixteen years of age to take any pledge in pawn. This is repealed.

**SECTION 55.** *Private Investigators and Security Guards Act.* The minimum age to be a private investigator is changed from twenty-one years to eighteen years.

**SECTION 60.** *Public Service Superannuation Act.* Section 20 provides for a contributor’s spouse and children under the age of eighteen to receive allowances on the death of the contributor. This subsection, which deems children over eighteen who are in school full time to be under eighteen, now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

**SECTION 64.** *Settled Estates Act.* The provision that a married woman may make or consent to or oppose any application whether or not she is of full age is repealed.

**SECTION 65.** *Statute Labour Act.* The Act sets the liability for males over eighteen and under sixty years of age to statute labour. The amendments substitute “person” for “male” and remove the upper age limit. Reference to being a British subject is also removed from the Act.



**SECTION 68.** *Teachers' Superannuation Act, 1983.* This subsection now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

#### *Citizenship*

**SECTION 12.—Subsections 2, 3, 4 and 5.** *Education Act.* Provisions concerning public or separate school electors, which require an elector to be a Canadian citizen or other British subject are amended to remove reference to a British subject. Commencement of these provisions is postponed until July 1, 1988.

**SECTION 25.** *Law Society Act.* See under "age", above.

**SECTION 37.—Subsections 2 and 3.** *Municipal Act.* The provisions of the *Municipal Act* concern applicants to incorporate improvement districts, townships, villages and towns and applicants for annexations. In each case the Act requires the applicant to be a British subject. The amendment would require that the applicant be a Canadian citizen.

**SECTION 58.—Subsection 1.** *Public Officers Act.* The Act requires a person employed in a public office in Ontario to be a British subject. The amendment would require, instead, that the person be a Canadian citizen or a permanent resident of Canada.

**SECTION 61.** *Railways Act.* Subsection 16 (5) of the Act requires that the majority of the Directors of a railway company be British subjects if the company has received aid towards the construction of its railway or undertaking from the Government of Ontario under any Act of the Legislature.

**SECTION 65.** *Statute Labour Act.* See under "age", above.

**SECTION 67.** *Surveyors Act.* The Act requires that a member of the council be a Canadian citizen or a British subject rather than a Canadian citizen or a permanent resident of Canada.

#### *Disability*

**SECTION 14.** *Employment Standards Act.* Section 24 gives the Director of Employment Standards the authority, with the consent of a handicapped person, to authorize the employment of the handicapped person at a wage lower than the minimum wage.

**SECTION 21.** *Juries Act.* See under "age", above.

**SECTION 44.** *Occupational Health and Safety Act.* A provision is repealed that excludes from the definition of "worker" for the purposes of the Act a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or home or rehabilitation facility.

**SECTION 56.** *Private Sanitaria Act.* The Act provides for the licensing of institutions for "the care and treatment of mental and nervous illnesses". The Act provides for the admission and detention of patients in such institutions.

#### *Marital Status*

**SECTION 1.** *Absentees Act.* The Act provides that the Attorney General, the next-of-kin, the wife or husband, creditor or other person may apply for an order declaring a person to be an absentee. The amendment removes the reference to wife or husband and puts in its place the person of the opposite sex to whom the absentee was married or with whom the absentee was living in a conjugal relationship outside marriage.

**SECTION 3.** *Business Corporations Act, 1982.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 4.—Subsection 2.** *Children's Law Reform Act.* Under the Act, where a person is under a duty to pay specified amounts of money to a child, payment directly to the child discharges that duty only if the child is married. Under the amendment, the child would be paid directly if the child had a legal obligation to support another person.

**Subsection 3.** The Act allows a married child to apply for an end to his or her guardianship. The amendment repeals that provision and allows a child who has a legal obligation to support another person to so apply.

**Subsection 4.** The Act allows a married minor to apply in or respond to an action under Part III (custody, access and guardianship). The amendment repeals that provision and allows a minor who is a parent to so apply or respond.

**SECTION 5.** *Compensation for Victims of Crime Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 6.** *Conveyancing and Law of Property Act.* In several sections references to "husband", "wife" and "married woman" are removed. There is no substantive change because the sections presently apply to any person.

**SECTION 7.** *Co-operative Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

**SECTION 8.** *Coroners Act.* The definition of "spouse" is expanded to include a person with whom the deceased was living immediately before death outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 9.** *Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "associate".

**SECTION 10.** *Credit Unions and Caisses Populaires Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "related person".

**SECTION 13.** *Election Act, 1984.* In a provision specifying who may apply on behalf of an elector to obtain a certificate to vote, the definition of "spouse" is expanded to include a person of the opposite sex with whom the elector is living outside marriage in a conjugal relationship of at least one year's duration.

**SECTION 15.—Subsection 1.** *Execution Act.* "Spouse" is defined for all purposes of the Act to include a person of the opposite sex living with a person in a conjugal relationship outside marriage.

**Subsection 2.** The Act provides that after the death of the debtor, chattels exempt from seizure can be retained by the debtor's widow or family, for their benefit. The amendment substitutes "surviving spouse" for widow, so the provision would apply to surviving spouses of both sexes, whether married or not.

**Subsection 3.** The Act provides that the debtor, his widow or family may select out chattels exempt from seizure. The amendment substitutes "surviving spouse" for "widow".

**SECTION 17.** *Fraudulent Debtors Arrest Act.* The provision repealed is: "A married woman is not liable to arrest on mesne or final process".

**SECTION 19.** *Human Tissue Gift Act.* See under "age", above.



**SECTION 20.—Subsections 1 and 2. *Junior Farmer Establishment Act.*** The definition of “family farm” is broadened to include a farm operated by a junior farmer and a spouse, and “spouse” is defined to include a person of the opposite sex to whom the person is living in a conjugal relationship outside marriage.

**SECTION 21.—Subsection 1. *Juries Act.*** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of determining ineligibility to serve under subsection 3 (1).

**Subsection 2.** A person who claims ineligibility to serve on a jury because of living in a conjugal relationship outside marriage with a judge, justice of the peace, lawyer, student-at-law or person engaged in enforcing the law must file a declaration of spousal status.

**Subsection 4.** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that spouses may not be on the same jury list.

**SECTION 24. *Landlord and Tenant Act.*** “Spouse” is defined to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration. References to “husband” or “wife” in the Act are changed to “spouse”. Three provisions under which a landlord requires premises for a spouse are amended to require of unmarried spouses a declaration of spousal status.

**SECTION 30.—Subsections 1, 2, 3 and 5. *Loan and Trust Corporations Act.*** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate” and “related person” and of establishing what investments are prohibited.

**SECTION 32. *McMichael Canadian Collection Act.*** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, with regard to burial of an artist or spouse of the artist.

**SECTION 35. *Mental Incompetency Act.*** The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, and “spouse” is substituted for “husband or wife”, in a provision allowing any person, including a husband or wife, to apply for a declaration of mental incompetency in respect of another person.

**SECTION 37.—Subsection 1. *Municipal Act.*** The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration, for all purposes of the Act.

**Subsection 4.** See under “age”, above.

**Subsection 6.** A provision that a spouse’s goods may be seized where those goods are on land subject to tax arrears is amended to include a “spouse” as defined in subsection (1).

**SECTION 38. *Municipal Conflict of Interest Act, 1983.*** The definition of “spouse” is expanded to include a person of the opposite sex living with the person in a conjugal relationship outside marriage. The Act now includes some common law spouses but is more restrictive.

**SECTION 39. *Municipal Elderly Resident’s Assistance Act.*** The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

**SECTION 40.—Subsection 1. *Municipal Elections Act.*** The definition of “spouse” is expanded to include a person of the opposite sex with whom a person is living outside

marriage in a conjugal relationship of at least one year's duration for all purposes of the Act.

**SECTION 41.—Subsection 2.** *Municipal Health Services Act.* See under “age”, above.

**SECTION 42.—Subsections 5 and 6.** *Municipality of Metropolitan Toronto Act.* In a provision concerning the rights of a surviving spouse of an occupant of property on Algonquin or Ward's Island to remain on the property, the definition of spouse is expanded to include a person who was living with the occupant in a conjugal relationship outside marriage immediately before the occupant's death and the spouse is required to make a declaration of spousal status to so remain.

**SECTION 43.** *Non-resident Agricultural Land Interests Registration Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “ordinarily resident in Canada”.

**SECTION 45.** *Ontario Energy Board Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

**SECTION 46.** *Ontario Mineral Exploration Program Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

**SECTION 48.** *Ontario Youth Employment Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “related person”.

**SECTION 50.** *Partnerships Act.* The Act provides that a surviving spouse or child of a deceased partner who receives by way of annuity a portion of the profits of the deceased partner's business is not by reason of such receipt a partner or liable as such. The amendment makes the provision apply also to a person of the opposite sex with whom the partner was living in a conjugal relationship outside marriage.

**SECTION 52.** *Perpetuities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives outside marriage in a conjugal relationship of at least one year's duration, with regard to a disposition in favour of a spouse. The definition of “spouse” in the Act now includes some common law spouses, but is more restrictive.

**SECTION 54.** *Powers of Attorney Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that if a power of attorney may be exercised during any subsequent legal incapacity of the donor, the power shall be executed in the presence of a witness other than the attorney or the attorney's spouse.

**SECTION 57.** *Public Lands Act.* The Act provides that lands are not to be liable for debts incurred before the issue of letters patent by the purchaser, his widow, heirs or devisees. The amendment deletes reference to the widow.

**SECTION 63.** *Securities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate” and in a provision exempting from prospectus requirements a spouse of the issuer if the spouse has access to substantially the same information concerning the issuer that a prospectus would provide.

**SECTION 64.** *Settled Estates Act.* See under “age”, above.

**SECTION 66.** *Surrogate Courts Act.* The Act provides that where a person dies intestate or the executor refuses to prove the will, the court may in its discretion commit adminis-



tration to the husband, the wife, the next-of-kin or the wife and next-of-kin. The amendment substitutes "spouse" for "husband" and "wife" and expands "spouse" to include a person of the opposite sex with whom the person is living in a conjugal relationship outside marriage.

**SECTION 69.** *Workers' Compensation Act.* Definition of "spouse" is amended.

*Religion or Creed*

The following oaths are amended to permit an affirmation:

**SECTION 11.** *Crown Timber Act*, for an examiner and a scaler.

**SECTION 22.** *Justices of the Peace Act*, for a justice of the peace.

**SECTION 23.—Subsection 2.** *Labour Relations Act*, for a conciliation board member.

**SECTION 27.** *Legislative Assembly Act*, for a committee witness and an employee of the Office of the Assembly.

**SECTION 31.** *Lord's Day (Ontario) Act.* The Act empowers municipalities to pass by-laws allowing people to engage in various activities otherwise disallowed under the *Lord's Day Act* (Canada). The *Lord's Day Act* (Canada) has been ruled of no force and effect by the Supreme Court of Canada.

**SECTION 53.** *Police Act*, for a police chief, police officer or constable.

**SECTION 58.—Subsection 2.** *Public Officers Act.* The oath of a public officer is amended to permit an affirmation.

**SECTION 59.** *Public Service Act*, for a civil servant.

**SECTION 62.** *Retail Business Holidays Act.* The provisions to be repealed refer to the *Lord's Day (Ontario) Act*, which is to be repealed by section 31 of this Bill, and to the *Lord's Day Act* (Canada) which has been ruled of no force and effect by the Supreme Court of Canada.

*Sex*

**SECTION 6.** *Conveyancing and Law of Property Act.* See under "marital status", above.

**SECTION 15.—Subsections 2 and 3.** *Execution Act.* See under "marital status", above.

**SECTION 16.** *Forest Fires Prevention Act.* See under "age", above.

**SECTION 17.** *Fraudulent Debtors Arrest Act.* See under "marital status", above.

**SECTION 21.—Subsection 5.** *Juries Act.* A provision allowing a judge to make an order for an all male or an all female jury is repealed.

**SECTION 26.** *Legal Aid Act.* The following provision is repealed:

"A certificate shall not be issued to a person in proceedings wholly or partly in respect of defamation or loss of service of a female in consequence of rape."

**SECTION 29.** *Libel and Slander Act.* A provision dispensing with proof of special damage in an action arising from the imputing of unchastity or adultery of a woman is repealed.

**SECTION 34.** *Mental Hospitals Act.* A provision that a man is liable for maintenance of his wife where his wife is a patient is amended to apply equally to both sexes.

**SECTION 37.—Subsection 4.** *Municipal Act.* See under “age”, above.

**SECTION 41.—Subsections 1 and 2.** *Municipal Health Services Act.* See under “age”, above.

**SECTION 42.—Subsections 1 and 2.** *Municipality of Metropolitan Toronto Act.* The provisions concern the right of a child of a sole supporting mother to attend school without paying a fee. The amendment is made to apply in respect of a sole supporting father as well.

**SECTION 57.** *Public Lands Act.* See under “marital status”, above.

**SECTION 64.** *Settled Estates Act.* See under “age”, above.

**SECTION 65.** *Statute Labour Act.* See under “age”, above.

**SECTION 66.** *Surrogate Courts Act.* See under “marital status”, above.

#### *General*

**SECTION 18.—Subsections 1 to 6.** *Human Rights Code, 1981.* Self-explanatory.

**Subsection 7.** Section 9 of the Act is amended to provide for equal treatment without discrimination because a woman is or may become pregnant.

**Subsections 8, 9, 10, 11, 16 and 17.** Section 16 of the Act limits the protection of the Act in respect of people with handicaps. The part of it that limits the application of the Act because a person does not have access to premises, services, goods, facilities or accommodation or cannot use them because they lack the appropriate amenities is repealed. The part of it that limits the application of the Act because a person cannot perform or fulfill the essential duties or requirements attending exercise of a right is preserved. Section 10 of the Act, dealing with constructive discrimination, is re-worded to ensure that it applies to discrimination on the basis of handicap and to make section 16 subject to it.

**Subsection 12.** Subsection 19 (2) of the Act provides that restriction of membership in an athletic organization or participation in an athletic activity to members of the same sex is not an infringement of a right under the *Code*. This is repealed.

**Subsection 13.** Subsection 20 (3) of the Act provides that the Act does not apply with respect to discrimination on the basis of marital status with respect to the occupancy of residential accommodation where the building contains no more than four dwelling units, one of which is occupied by the owner or his or her family. This is repealed.

**Subsection 14.** Subsection 20 (4) of the Act provides that the Act does not apply with respect to discrimination on the basis of family status with respect to the occupancy of residential accommodation in a building or part of a building that contains more than one dwelling unit served by a common entrance and the occupancy of all the residential accommodation in the building or in the designated part of the building is restricted because of family status. This is repealed.

**Subsection 15.** Section 23 relates to discrimination in employment. Clause (1) (b) relates to discrimination for reasons of age, sex, record of offences or marital status.

**SECTION 23.—Subsections 1, 3 and 4.** *Labour Relations Act.* Several provisions of this Act which prohibit discrimination on the basis of a number of named grounds are expanded to prohibit discrimination on the basis of any ground not allowed by the *Human Rights Code, 1981* or by section 15 of *Canadian Charter of Rights and Freedoms*.

**SECTION 33.** *Mental Health Act.* Extensive amendments are made in relation to age and disability.

**Subsection 1.** The definition of "nearest relative" (used for establishing who may consent to certain acts) is revised.

**Subsection 2.** The definition of "regional review board" is repealed. A review board is provided for in this Bill.

**Subsection 3.** The definition of "restrain" is amended.

**Subsection 4.** The term "review board" is defined.

**Subsection 5.** Section 8 of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 6.** New section 8a is added to the Act to provide for children as informal patients in psychiatric facilities.

**Subsection 7.** New section 8b of the Act provides that the authority to detain and restrain a patient does not apply in respect of an informal or voluntary patient.

**Subsection 8.** The amendment reduces the period of time during which a person may be detained for a psychiatric examination from 120 hours to 72 hours.

**Subsections 9 to 12.** Subsections 10 (1) and (3) and sections 11 and 12 of the Act are amended to change the term "assessment" to "examination".

**Subsection 13.** Section 13 of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 14.** Subsection 14 (1) of the Act is amended to refer to voluntary patients as well as informal patients.

**Subsection 15.** Subsection 14 (3) of the Act is amended to reduce the detention period from 120 hours to 72 hours and to refer to voluntary patients as well as to informal patients.

**Subsection 16.** Subsections 14 (5), (6) and (7) of the Act are amended to refer to voluntary patients as well as informal patients.

**Subsection 17.** Clause 20 (3) (b), which relates to communication by or to a patient, is amended to remove the reference to an "advisory review board".

**Subsections 18 and 19.** Section 29 of the Act relates to disclosure of clinical records. Subsections 29 (1) and (2) are amended to refer to new section 29a, which relates to patient access to clinical records and which is added by this Bill.

**Subsection 20.** Subsection 29 (3) of the Act is amended to change "age of majority" to "age of sixteen years".

**Subsection 21.** New subsection 29 (3a) is added to the Act. The subsection deals with the consent of a spouse in relation to a clinical record.

**Subsections 22, 23 and 24.** The term "age of majority" is replaced by "age of sixteen years".

**Subsection 25.** New section 29a is added to the Act. The section deals with patient access to clinical records.



**Subsection 26.** Subsections 30 (1) to (4) of the Act establish the composition of the new review board to have jurisdiction throughout Ontario.

**Subsection 27.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 28.** New subsections 30a (1a) and (1b) provide for notices to patients and to the area director under the *Legal Aid Act*, in the circumstances set out in those subsections.

**Subsections 29, 30 and 31.** The amendments relate to the new composition and jurisdiction of the review board.

**Subsections 32 and 33.** New sections 32 and 32a relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

**Subsections 34 and 35.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsections 36 and 37.** New sections 33b and 33c also relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

**Subsection 38.** Self-explanatory.

**Subsections 39 to 43.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsections 44, 45 and 46.** New subsections 33f (1a) to (1i), (2) and (2a) relate to procedures for appeals from decisions of the review board.

**Subsections 47, 48 and 49.** The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsection 50.** Section 34 of the Act provides for an advisory review board. The advisory review board is now provided for under the *Criminal Code* (Canada).

**Subsection 51.** Subsection 35 (2) of the Act is amended to change "age of majority" to "age of sixteen years" and to remove a reference to "regional" in relation to the review board.

**Subsection 52.** New subsections 35 (2a), (2b) and (2c) authorize an involuntary patient to apply to the review board for an inquiry into whether the patient is not mentally competent.

**Subsection 53.** The effect of the amendment is to require the consent of an involuntary patient for treatment where the patient is mentally competent and to require the consent of the nearest relative of an involuntary patient for treatment where the patient is not mentally competent and there is a nearest relative.

**Subsection 54.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 55.** Subsection 35 (5) of the Act is re-enacted to provide new criteria to govern the review board in determining whether it should authorize psychiatric treatment.

**Subsection 56.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 57.** New subsection 35 (7) provides that the consent of a person who claims to be a spouse is valid for the purposes of the Act if the person who acted upon the con-



sent had no reason to believe that the person who gave the consent was not the spouse. New subsection 35 (8) prevents the providing of psychiatric treatment to a patient pending the outcome of an appeal related to the treatment, unless otherwise ordered by a judge of the court appealed to.

**Subsection 58.** New section 35a of the Act requires documentation in the clinical record when a patient is restrained.

**Subsection 59.** The amendment is complementary to the new composition and jurisdiction of the review board.

**Subsection 60.** Internal cross-references are revised.

**Subsections 61 and 62.** Subsection 65 (1) of the Act authorizes the making of regulations. The amendments are complementary to the new composition and jurisdiction of the review board.

**Subsection 63.** Clause 65 (1) (j) provided for time limits for decisions of the review board and advisory review board. Times in respect of the review board are now provided in new sections 33b and 33c. The advisory review board is governed by the *Criminal Code* (Canada).

**Subsections 64 and 65.** The amendments are complementary to the new composition and jurisdiction of the review board.

#### **SECTION 70.** Commencement.

Amendments respecting pensions come into force on the 1st day of January, 1987.

An amendment repealing a provision allowing the employment of handicapped persons at less than the minimum wage comes into force on the 1st day of March, 1987.

A provision that patients may not be treated without their consent or the consent of their nearest relative comes into force on the 1st day of April, 1987.

Provisions related to citizenship come into force three years after they were first made public.

Provisions that require supporting regulations or forms come into force on proclamation.

Bill 7

1986

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(2) The application for the order may be made by,

Application,  
who may  
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

**2. Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.**

**3. Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:**

43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Consent  
where  
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

**(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:**

- (a) the child, if the child has a legal obligation to support another person.

**(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".**

**(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".**

**5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

- (fa) "spouse" means,
  - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

**6.—**(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

**7.** Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**8.** Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(e) “spouse” means a person of the opposite sex,

- (i) to whom the deceased was married immediately before his or her death,
- (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,



- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**9.—**(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

**10.** Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) “related person”, where used to indicate a relationship with any person, means,
  - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
  - (ii) any son or daughter of the person, or
  - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

**11.—**(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Oath of  
examiners

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

I, ..... do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

**(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:**

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form: Scaler's  
oath

I, ..... do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

**12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.**

**(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:**

(1) In this section and in sections 65 and 66, "public school electors" in respect of territory without municipal organization means, Public  
school  
electors

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

**(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:**

3. I am a Canadian citizen.

**(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:**

(a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out "or other British subject" in the second and third lines.

**13.** Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

"spouse"  
defined

(3) In this section, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**14.—**(1) Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-  
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

**15.—**(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (c) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (d) "surviving spouse" means a person who was the person's spouse at the time of his or her death.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of  
exempted  
goods after  
death of  
debtor

**5.—**(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.

(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family. Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit. Idem

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

**16.** Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

**17.** Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

**18.—(1)** Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

(4) The said Act is amended by adding thereto the following section:

**3a.—(1)** Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. Accommodation of person under eighteen

(2) A contract for accommodation entered into by a sixteen or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old. Idem

(5) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".



(6) Section 5 of the said Act is amended by inserting after "sex" in the fifth line "sexual orientation".

(7) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

(8) Section 10 of the said Act is repealed and the following substituted therefor:

Constructive  
discrimina-  
tion

**10.**—(1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(9) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

**(10) Section 16 of the said Act is amended by adding thereto the following subsections:**

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

**(11) Subsection 16 (2) of the said Act is amended by striking out "the provision of access or amenities or as to" in the fifth and sixth lines.**

**(12) Subsection 19 (2) of the said Act is repealed.**

**(13) Subsection 20 (3) of the said Act is repealed.**

**(14) Subsection 20 (4) of the said Act is repealed.**

**(15) Section 23 of the said Act is amended by adding thereto the following subsections:**

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

**(16) Subsections 40 (2) and (3) of the said Act are repealed.**

**(17) Clause 47 (a) of the said Act is repealed and the following substituted therefor:**

(a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

**19.—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is**

amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(2) Subsection 3 (2) of the said Act is amended by striking out “majority” in the second line and in the seventh line and inserting in lieu thereof in each instance “sixteen years”.

(3) Subsection 4 (1) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(4) Subsection 4 (2) of the said Act is amended by striking out “majority” in the second line and in the fifth line and inserting in lieu thereof in each instance “sixteen years”.

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

“spouse”  
defined

(1) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person’s death, was living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

Consent by  
spouse, etc.,  
for use of  
body  
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person’s death is imminent,

- (a) the person’s spouse; or
- (b) if none or if the spouse is not readily available, any one of the person’s children; or
- (c) if none or if none is readily available, either one of the person’s parents; or
- (d) if none or if neither is readily available, any one of the person’s brothers or sisters; or

- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

**20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (e) "family farm" means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

**(2) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ja) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**(3) Clause 12 (1) (a) of the said Act is repealed.**

**21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom



that person is living in a conjugal relationship outside marriage.

**(2) Section 3 of the said Act is amended by adding thereto the following subsection:**

Declaration  
of unmarried  
spouses

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

**(3) Subsection 4 (2) of the said Act is repealed.**

**(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:**

Panel  
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

**(5) Section 34 of the said Act is repealed.**

**22.** Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".

**23.—(1)** Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Clause 31 (b) of the said Act is amended by adding at the end thereof "and affirmations".

(4) Clause 44 (8) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(5) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

- (b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*. 1981, c. 53

(6) Subsection 102 (8) of the said Act is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(7) Clause 103 (2) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(8) Subsection 127 (5) of the said Act is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

**24.**—(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ca) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*. 1986, c. 4

(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.

**(3) Section 105 of the said Act is amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**25.—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.**

**(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.**

**(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.**

**(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.**

**(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:**

Transition re  
British  
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.



(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person. Re-admission

(6) Section 35 of the said Act is amended by striking out “age” in the fourth line.

**26.** Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out “or loss of service of a female in consequence of rape” in the second line.

**27.—**(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Form 3 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

**28.—**(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of, Exception  
for higher  
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.



**(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:**

Exception  
for higher  
education

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

**29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.**

**30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.**

**(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:**

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

**(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:**

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in

clauses (a) and (aa), who has the same home as that person; or

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**31.** The *Lord’s Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

**32.** Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist’s death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist’s death”.

**33.—**(1) Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (j) “nearest relative” means,
  - (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
  - (ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or

1986, c. 4

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

- (iii) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (iv) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (v) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vi) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

**(2) Clause 1 (r) of the said Act is repealed.**

**(3) Clause 1 (t) of the said Act is amended,**

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

**(4) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ta) “review board” means the review board appointed under section 30.

**(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.**

**(6) The said Act is amended by adding thereto the following section:**

**8a.—**(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

Child as  
informal  
patient

(2) Upon the completion of six months after the later of the child's admission to the psychiatric facility as an informal patient or the child's last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Application  
deemed  
made

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

Consider-  
ations

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child's needs can be adequately met if the child is not an informal patient in the psychiatric facility;
- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of  
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

(7) The said Act is further amended by adding thereto the following section:

**8b.** Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or  
voluntary  
patient



(8) Clause 9 (5) (b) of the said Act is amended by striking out “120” in the fourth line and inserting in lieu thereof “72”.

(9) Subsection 10 (1) of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(10) Subsection 10 (3) of the said Act is amended by striking out “assessment” in the sixth line and inserting in lieu thereof “examination”.

(11) Section 11 of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(12) Section 12 of the said Act is amended by striking out “assessment” in the first line and in the third line and inserting in lieu thereof in each instance “examination”.

(13) Section 13 of the said Act is amended by inserting after “informal” in the second line “or voluntary”.

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after “informal” where it appears in the first line and in the sixth line “or voluntary”; and
- (b) in clause (c), by inserting after “informal” in the thirteenth line “or voluntary”.

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out “120” in the fourth line and inserting in lieu thereof “72”; and
- (b) by inserting after “informal” in the sixth line “or voluntary”.

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after “informal” in the second line “or voluntary”;
- (b) in subsection (6), by inserting after “informal” in the second line “or voluntary”; and
- (c) in subsection (7), by inserting after “informal” in the second line “or voluntary”.

(17) Clause 20 (3) (b) of the said Act is amended by striking out "a review board or advisory review board under this Act" in the first and second lines and inserting in lieu thereof "the review board".

(18) Subsection 29 (1) of the said Act is amended by inserting after "section" in the first line "and in section 29a".

(19) Subsection 29 (2) of the said Act is amended by inserting after "subsections (3) and (5)" in the first line "and section 29a".

(20) Subsection 29 (3) of the said Act is amended by striking out "majority" wherever that word appears and inserting in lieu thereof in each instance "sixteen years".

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section claims to be, Consent of spouse

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(22) Clause 29 (9) (a) of the said Act is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(23) Clause 29 (9) (b) of the said Act is amended by striking out "majority" in the second line and inserting in lieu thereof "sixteen years".

(24) Clause 29 (9) (c) of the said Act is amended by striking out "majority" in the fifth line and inserting in lieu thereof "sixteen years".

(25) The said Act is further amended by adding thereto the following section:

Patient access  
to clinical  
record

**29a.**—(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient's own expense the clinical record of the patient's observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record.

Request

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge.

Duty of  
officer in  
charge

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it.

Application  
to review  
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to  
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by  
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

- (a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or
- (b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.



(9) The review board may hear any submissions from the patient in the absence of the attending physician. Idem

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order. Severability

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused. Reasons

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4). Procedure  
R.S.O. 1980,  
c. 484

(13) A patient who is allowed to examine or copy a clinical record is entitled to, Right of  
correction

- (a) request correction of the information in it where the patient believes there is an error or omission in it;
- (b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and
- (c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application  
for review of  
patient  
determined  
incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14). Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record. Where  
patient not  
mentally  
competent,  
etc.



Application  
of  
subss. (2-13)

(17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16).

**(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:**

Review  
board

(1) There shall be a review board and the Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board.

Panels

(2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor.

Chairmen of  
panels

(3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment  
of duties

(4) The Lieutenant Governor in Council shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

**(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".**

**(28) Section 30a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:**

Notice re  
competence  
to patient

(1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980,  
c. 234

Notice of  
child's right

(1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

(29) Subsection 30a (2) of the said Act is amended by inserting after "(1)" in the first line "(1a) or (1b)" and by striking out "regional" in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out "chairman of the regional review board having jurisdiction" in the second and third lines and inserting in lieu thereof "review board".

(31) Subsection 31 (4) of the said Act is amended by striking out "chairman of the regional review board having jurisdiction" in the fourth and fifth lines and inserting in lieu thereof "review board".

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

**32.** Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

Hearing  
deemed  
abandoned

(33) The said Act is further amended by adding thereto the following section:

**32a.**—(1) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate.

Extension of  
certificate for  
review

(2) An extension of a certificate under subsection (1) is effective,

Authority of  
extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.

Renewal of  
certificate

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate.

Authority of  
certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4).

## Notice

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate.

Renewal  
deemed a  
nullity

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a nullity and the extended certificate remains in effect for the period provided under subsection (1).

**(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the third line.**

**(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the fourth line.**

**(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

Appointment  
of time and  
place for  
hearing

**33b.**—(1) Where the review board receives notice in writing placing a matter before it for decision, it shall appoint a time and place for and hold a hearing.

Hearing  
within seven  
days

(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.

**(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

Powers of  
board

**33c.**—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.



(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician.

Opinion  
substituted

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision.

Written  
reasons

**(38) Subsection 33d (2) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

(2) Subject to subsections 29 (6) and (7), where a party to a proceeding is sixteen years of age or older and mentally competent, the party or the counsel or agent representing the party, or both, is entitled to examine and to copy any clinical record prepared in respect of the patient.

Party may  
examine  
clinical  
record

(3) Subject to subsections 29 (6) and (7), where a party to a proceeding is under the age of sixteen years or is not mentally competent, the counsel or agent representing the party is entitled to examine and to copy any clinical record prepared in respect of the patient.

Idem

(4) Nothing in subsection (3) prevents the counsel or agent representing a party described in subsection (3) from disclosing a clinical record to that party.

Idem

**(39) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line and in the eighth line.**

**(40) Subsection 33e (2) of the said Act is amended by striking out "regional" in the first line, in the second line and in the fifth line.**

**(41) Subsection 33e (3) of the said Act is amended by striking out "regional" in the first line.**

**(42) Subsection 33e (4) of the said Act is amended by striking out "regional" in the third line.**

**(43) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line.**

**(44) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:**



Time for  
appeal

(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.

Time for  
answer

(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.

Exception

(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).

Extension of  
discontinued  
certificate

(1d) Where an appeal is taken against a decision by the review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.

Extension of  
certificate for  
appeal

(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.

Authority of  
extension

(1f) An extension of a certificate under subsection (1e) is effective,

(a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;

(b) until the certificate is rescinded; or

(c) until the party appealing withdraws the appeal,

whichever first occurs.

Renewal of  
certificate

(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.

Authority of  
certificate

(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).

Evidence for  
extension

(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satis-

fied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

**(45) Subsection 33f (2) of the said Act is repealed and the following substituted therefor:**

(2) Where a party appeals from a decision or an order of the review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal.

Transcript  
and record

**(46) The said section 33f is further amended by adding thereto the following subsection:**

(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal.

Early date  
for appeal

**(47) Subsection 33f (4) of the said Act is amended by striking out "regional" in the second line.**

**(48) Subsection 33f (5) of the said Act is amended by striking out "regional" in the third line.**

**(49) Subsection 33f (6) of the said Act is amended by striking out "regional" in the second line.**

**(50) Section 34 of the said Act is repealed.**

**(51) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years" and by striking out "regional" in the sixth line.**

**(52) Section 35 of the said Act is amended by adding thereto the following subsections:**

(2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent.

Application  
for review of  
patient  
determined  
incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined.

Idem

Idem

(2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

**(53) Clause 35 (4) (a) of the said Act is repealed and the following substituted therefor:**

- (a) an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and

. . . . .

**(54) Subsection 35 (4) of the said Act is amended by striking out "regional" in the second last line.**

**(55) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:**

Criteria for  
treatment  
order

(5) Where the review board is satisfied,

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

**(56) Subsection 35 (6) of the said Act is amended by striking out "regional" in the fourth line.**

**(57) Section 35 of the said Act is further amended by adding thereto the following subsections:**

Consent of  
spouse

(7) Where a person who gives a consent under this section claims to be,

- (a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to. Treatment  
pending  
appeal

**(58) The said Act is further amended by adding thereto the following section:**

**35a.**—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained. Documen-  
tation of use  
of restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage. Chemical  
restraint

**(59) Subsection 43 (1) of the said Act is amended by striking out "chairman of the review board having jurisdiction" in the third and fourth lines and inserting in lieu thereof "review board".**

**(60) Subsection 43 (2) of the said Act is amended by striking out "31, 32 and 33" in the second and third lines and inserting in lieu thereof "33, 33a, 33b, 33c, 33d, 33e and 33f".**

**(61) Clause 65 (1) (h) of the said Act is amended by striking out "a" in the second line and inserting in lieu thereof "the".**



(62) Clause 65 (1) (i) of the said Act is amended by striking out "review boards and advisory review boards" in the second line and inserting in lieu thereof "the review board".

(63) Clause 65 (1) (j) of the said Act is repealed.

(64) Clause 65 (1) (k) of the said Act is amended by striking out "review boards and advisory review boards" in the second and third lines and inserting in lieu thereof "the review board and the co-ordinator".

(65) Clause 65 (1) (l) of the said Act is amended by striking out "review boards and advisory review boards" in the first and second lines and inserting in lieu thereof "the review board".

**34.** Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Liability  
for spouse

**19.** Every person whose spouse is a patient is liable for the maintenance of that spouse.

**35.** Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

By whom  
application  
to be made

(2) The application may be made by,

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

**36.** Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

**37.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:**

(2) In this Act, “spouse” means a person of the opposite sex, “spouse”  
defined

- (a) to whom the person is married; or
- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
- (i) have cohabited for at least one year,
- (ii) are together the parents of a child, or
- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

**(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:**

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years. Qualifications  
of applicants

**(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out “British subjects” in the fifth line and inserting in lieu thereof “Canadian citizens”.**

**(4) Section 101 of the said Act is amended,**

- (a) by striking out “old age or” in the fourth line; and
- (b) by striking out “widows” in the sixth line and inserting in lieu thereof “surviving spouses”.

**(5) Paragraph 30 of section 210 of the said Act is amended by striking out “such age as the by-law may prescribe” in the fourth and fifth lines and inserting in lieu thereof “the age of twelve years”.**

(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out “wife, husband” in the first line and inserting in lieu thereof “spouse”.

**38.** Clause 1 (n) of the *Municipal Conflict of Interest Act*, 1983, being chapter 8, is repealed and the following substituted therefor:

- (n) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**39.** Section 1 of the *Municipal Elderly Resident’s Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) “spouse” means a person of the opposite sex,
- (i) to whom the person is married, or
  - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or
    - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

**40.—**(1) Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

37. “spouse” means a person of the opposite sex,
- (a) to whom the person is married, or
  - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (i) have cohabited for at least one year,
    - (ii) are together the parents of a child, or

- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended by striking out “eighteen” in the second line and inserting in lieu thereof “sixteen”.

**41.**—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “male and female” in the third and fourth lines; and
- (b) by striking out “seventeen” in the fourth line and inserting in lieu thereof “eighteen”.

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

(2) A person is liable for the payment of the tax in respect of his or her spouse. Liability  
of spouse

**42.**—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(2) Clause 144 (3) (a) of the said Act is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the sixth and seventh lines and inserting in lieu thereof “occupant’s”.

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the fifth line and inserting in lieu thereof “occupant’s”.

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:



Interpretation (11a) In subsections (11b), (11c) and (12), “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

Surviving spouse to remain after occupant’s death (11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant’s place.

Deemed termination (11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “occupant’s spouse, as defined in section 14 of the *Family Law Reform Act*” in the third and fourth lines and inserting in lieu thereof “surviving spouse” and by striking out “his” in the sixth line and inserting in lieu thereof “a”.

**43.** Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(g) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

**44.** Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.

**45.** Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;  
or

**46.** Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

**47.—(1)** Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

(2) Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”.

**48.** Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of clause (1) (b), “related person” Interpretation means,

- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

**49.** Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

**50.** Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
  - (i) was married to a deceased partner immediately before the deceased partner died,
  - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
  - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

**51.** Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.



**52.** Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), "spouse" means a person of the opposite sex, "spouse"  
defined

(a) to whom the person is married; or

(b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(i) have cohabited for at least a year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986, c. 4

**53.** Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fifth line "(or solemnly affirm)" and by inserting after "God" in the thirteenth line "(omit this phrase in an affirmation)".

**54.** Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) In this section, "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. "spouse"  
defined

**55.** Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**26.** No person under eighteen years of age shall act as a private investigator or a security guard. Age limit

**56.** The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

**57.** Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out "widow" in the fifth line.



**58.**—(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out “British subject by birth or naturalization” in the second line and inserting in lieu thereof “Canadian citizen or permanent resident of Canada”.

(2) Section 4 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation).”

**59.**—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

**60.** Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Exception  
for higher  
education

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

**61.** Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

**62.**—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed.

**63.**—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

iv. any relative of that person,

v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or

vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out "or" at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

(b) a senior officer or director of the issuer;

(c) a parent, brother, sister or child of the person mentioned in clause (b); or

(d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out "or" at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

B. a senior officer or director of the issuer,

C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or

D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

**64.** Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.

**65.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Labour in township in which poll tax is not levied

**5.** In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

**(2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:**

Qualifications of voters

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

**(3) Subsection 16 (3) of the said Act is repealed.**

**(4) Section 17 of the said Act is amended by striking out “a British subject and otherwise” in the second line.**

**(5) Subsection 19 (1) of the said Act is amended by striking out “that you are a British subject” in the fourth and fifth lines of the oath.**

**(6) Subsection 19 (2) of the said Act is repealed.**

**(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:**

Statute labour in unincorporated areas

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and



- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

**66. Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

To what persons administration shall be granted

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

**67. Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

Canadian citizen

**68. Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:**

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age

Exception for higher education



of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

**69.** Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
  - (A) had cohabited for at least one year,
  - (B) were together the parents of a child, or
  - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

Commence-  
ment

**70.—(1) This Act, except,**

- (a) sections 28, 60 and 68;
- (b) subsections 12 (2), (3), (4) and (5);
- (c) section 14;
- (d) subsection 33 (53);
- (e) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67; and
- (f) subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.

Idem

(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987.

Idem

(3) Section 14 comes into force on the 1st day of March, 1987.

➡ (4) Subsection 33 (53) comes into force on the 1st day of April, 1987. Idem ▲

(5) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988. Idem

(6) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67 come into force on the 1st day of July, 1989. Idem

(7) Subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

**71.** The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*. Short title









# Bill 7

*(Chapter 64  
Statutes of Ontario, 1986)*

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

**The Hon. I. Scott**  
*Attorney General*

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<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	December 16th, 1986
<i>Royal Assent</i>	December 18th, 1986

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Bill 7

1986

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application for the order may be made by,

Application,  
who may  
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

**2.** Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

**3.** Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:



43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Consent  
where  
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

**(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:**

- (a) the child, if the child has a legal obligation to support another person.

**(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".**

**(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".**

**5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

- (fa) "spouse" means,
  - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

**6.—(1)** Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

**7.** Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**8.** Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(e) “spouse” means a person of the opposite sex,

- (i) to whom the deceased was married immediately before his or her death,
- (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,

- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**9.—**(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

**10.** Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) “related person”, where used to indicate a relationship with any person, means,
  - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
  - (ii) any son or daughter of the person, or
  - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

**11.—**(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Oath of  
examiners

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:



I, ..... do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

**(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:**

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form: Scaler's  
oath

I, ..... do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

**12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.**

**(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:**

(1) In this section and in sections 65 and 66, "public school electors" in respect of territory without municipal organization means, Public  
school  
electors

- (a) owners and tenants of property in such territory without municipal organization; and
- (b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

**(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:**

3. I am a Canadian citizen.

**(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:**

- (a) is a Canadian citizen.



(5) Subsection 97 (6) of the said Act is amended by striking out "or other British subject" in the second and third lines.

**13.** Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

"spouse"  
defined

(3) In this section, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**14.—**(1) Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-  
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

**15.—**(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (c) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (d) "surviving spouse" means a person who was the person's spouse at the time of his or her death.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of  
exempted  
goods after  
death of  
debtor

**5.—**(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.

(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family. Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit. Idem

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

**16.** Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

**17.** Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

**18.—(1)** Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

(4) The said Act is amended by adding thereto the following section:

**3a.—(1)** Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. Accommodation of person under eighteen

(2) A contract for accommodation entered into by a sixteen or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old. Idem

(5) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(6) Section 5 of the said Act is amended by inserting after “sex” in the fifth line “sexual orientation”.

(7) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

(8) Section 10 of the said Act is repealed and the following substituted therefor:

Constructive  
discrimina-  
tion

**10.**—(1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(9) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.



**(10) Section 16 of the said Act is amended by adding thereto the following subsections:**

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

**(11) Subsection 16 (2) of the said Act is amended by striking out "the provision of access or amenities or as to" in the fifth and sixth lines.**

**(12) Subsection 19 (2) of the said Act is repealed.**

**(13) Subsection 20 (3) of the said Act is repealed.**

**(14) Subsection 20 (4) of the said Act is repealed.**

**(15) Section 23 of the said Act is amended by adding thereto the following subsections:**

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

**(16) Subsections 40 (2) and (3) of the said Act are repealed.**

**(17) Clause 47 (a) of the said Act is repealed and the following substituted therefor:**

(a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

**19.—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is**



amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(2) Subsection 3 (2) of the said Act is amended by striking out “majority” in the second line and in the seventh line and inserting in lieu thereof in each instance “sixteen years”.

(3) Subsection 4 (1) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(4) Subsection 4 (2) of the said Act is amended by striking out “majority” in the second line and in the fifth line and inserting in lieu thereof in each instance “sixteen years”.

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

“spouse”  
defined

(1) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person’s death, was living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

Consent by  
spouse, etc.,  
for use of  
body  
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person’s death is imminent,

- (a) the person’s spouse; or
- (b) if none or if the spouse is not readily available, any one of the person’s children; or
- (c) if none or if none is readily available, either one of the person’s parents; or
- (d) if none or if neither is readily available, any one of the person’s brothers or sisters; or

- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

**20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (e) “family farm” means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

**(2) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ja) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**(3) Clause 12 (1) (a) of the said Act is repealed.**

**21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom

that person is living in a conjugal relationship outside marriage.

**(2) Section 3 of the said Act is amended by adding thereto the following subsection:**

Declaration  
of unmarried  
spouses

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

**(3) Subsection 4 (2) of the said Act is repealed.**

**(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:**

Panel  
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

**(5) Section 34 of the said Act is repealed.**

**22.** Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".

**23.—(1)** Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code*, 1981 or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Clause 31 (b) of the said Act is amended by adding at the end thereof "and affirmations".



(4) Clause 44 (8) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(5) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

- (b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*. 1981, c. 53

(6) Subsection 102 (8) of the said Act is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(7) Clause 103 (2) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(8) Subsection 127 (5) of the said Act is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

**24.—(1)** Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ca) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.



**(3) Section 105 of the said Act is amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**25.—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.**

**(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.**

**(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.**

**(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.**

**(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:**

Transition re  
British  
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.

(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person. Re-admission

(6) Section 35 of the said Act is amended by striking out "age" in the fourth line.

26. Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out "or loss of service of a female in consequence of rape" in the second line.

27.—(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after "swear" in the second line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Form 3 of the said Act is amended by inserting after "swear" in the second line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

28.—(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of, Exception  
for higher  
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

**(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:**

Exception  
for higher  
education

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

**29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.**

**30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.**

**(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:**

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

**(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:**

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in



clauses (a) and (aa), who has the same home as that person; or

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**31.** The *Lord's Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

**32.** Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist's death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist's death”.

**33.—(1)** Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (j) “nearest relative” means,
  - (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
  - (ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or



1986, c. 4

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

- (iii) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (iv) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (v) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vi) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

**(2) Clause 1 (r) of the said Act is repealed.**

**(3) Clause 1 (t) of the said Act is amended,**

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

**(4) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ta) “review board” means the review board appointed under section 30.

**(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.**

**(6) The said Act is amended by adding thereto the following section:**

**8a.**—(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

Child as  
informal  
patient

(2) Upon the completion of six months after the later of the child's admission to the psychiatric facility as an informal patient or the child's last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Application  
deemed  
made

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

Consider-  
ations

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child's needs can be adequately met if the child is not an informal patient in the psychiatric facility;
- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of  
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

(7) The said Act is further amended by adding thereto the following section:

**8b.** Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or  
voluntary  
patient

(8) Clause 9 (5) (b) of the said Act is amended by striking out "120" in the fourth line and inserting in lieu thereof "72".

(9) Subsection 10 (1) of the said Act is amended by striking out "assessment" in the last line and inserting in lieu thereof "examination".

(10) Subsection 10 (3) of the said Act is amended by striking out "assessment" in the sixth line and inserting in lieu thereof "examination".

(11) Section 11 of the said Act is amended by striking out "assessment" in the last line and inserting in lieu thereof "examination".

(12) Section 12 of the said Act is amended by striking out "assessment" in the first line and in the third line and inserting in lieu thereof in each instance "examination".

(13) Section 13 of the said Act is amended by inserting after "informal" in the second line "or voluntary".

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after "informal" where it appears in the first line and in the sixth line "or voluntary"; and
- (b) in clause (c), by inserting after "informal" in the thirteenth line "or voluntary".

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out "120" in the fourth line and inserting in lieu thereof "72"; and
- (b) by inserting after "informal" in the sixth line "or voluntary".

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after "informal" in the second line "or voluntary";
- (b) in subsection (6), by inserting after "informal" in the second line "or voluntary"; and
- (c) in subsection (7), by inserting after "informal" in the second line "or voluntary".

(17) Clause 20 (3) (b) of the said Act is amended by striking out “a review board or advisory review board under this Act” in the first and second lines and inserting in lieu thereof “the review board”.

(18) Subsection 29 (1) of the said Act is amended by inserting after “section” in the first line “and in section 29a”.

(19) Subsection 29 (2) of the said Act is amended by inserting after “subsections (3) and (5)” in the first line “and section 29a”.

(20) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section Consent of spouse claims to be,

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(22) Clause 29 (9) (a) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(23) Clause 29 (9) (b) of the said Act is amended by striking out “majority” in the second line and inserting in lieu thereof “sixteen years”.



**(24) Clause 29 (9) (c) of the said Act is amended by striking out "majority" in the fifth line and inserting in lieu thereof "sixteen years".**

**(25) The said Act is further amended by adding thereto the following section:**

Patient access  
to clinical  
record

**29a.**—(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient's own expense the clinical record of the patient's observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record.

Request

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge.

Duty of  
officer in  
charge

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it.

Application  
to review  
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to  
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by  
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

- (a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or
- (b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.

(9) The review board may hear any submissions from the patient in the absence of the attending physician. Idem

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order. Severability

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused. Reasons

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4). Procedure  
R.S.O. 1980,  
c. 484

(13) A patient who is allowed to examine or copy a clinical record is entitled to, Right of  
correction

- (a) request correction of the information in it where the patient believes there is an error or omission in it;
- (b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and
- (c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application  
for review of  
patient  
determined  
incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14). Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record. Where  
patient not  
mentally  
competent,  
etc.

Application  
of  
subss. (2-13)

(17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16).

**(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:**

Review  
board

(1) There shall be a review board and the Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board.

Panels

(2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor.

Chairmen of  
panels

(3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment  
of duties

(4) The Lieutenant Governor in Council shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

**(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".**

**(28) Section 30a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:**

Notice re  
competence  
to patient

(1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980,  
c. 234

Notice of  
child's right

(1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.



(29) Subsection 30a (2) of the said Act is amended by inserting after “(1)” in the first line “(1a) or (1b)” and by striking out “regional” in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the second and third lines and inserting in lieu thereof “review board”.

(31) Subsection 31 (4) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the fourth and fifth lines and inserting in lieu thereof “review board”.

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

**32.** Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

Hearing  
deemed  
abandoned

(33) The said Act is further amended by adding thereto the following section:

**32a.**—(1) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate.

Extension of  
certificate for  
review

(2) An extension of a certificate under subsection (1) is effective,

Authority of  
extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.



Renewal of  
certificate

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate.

Authority of  
certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4).

Notice

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate.

Renewal  
deemed a  
nullity

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a nullity and the extended certificate remains in effect for the period provided under subsection (1).

**(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the third line.**

**(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the fourth line.**

**(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

Appointment  
of time and  
place for  
hearing

**33b.—(1) Where the review board receives notice in writing placing a matter before it for decision, it shall appoint a time and place for and hold a hearing.**

Hearing  
within seven  
days

**(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.**

**(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

Powers of  
board

**33c.—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.**

(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician.

Opinion  
substituted

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision.

Written  
reasons

**(38) Subsection 33d (2) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

(2) Subject to subsections 29 (6) and (7), where a party to a proceeding is sixteen years of age or older and mentally competent, the party or the counsel or agent representing the party, or both, is entitled to examine and to copy any clinical record prepared in respect of the patient.

Party may  
examine  
clinical  
record

(3) Subject to subsections 29 (6) and (7), where a party to a proceeding is under the age of sixteen years or is not mentally competent, the counsel or agent representing the party is entitled to examine and to copy any clinical record prepared in respect of the patient.

Idem

(4) Nothing in subsection (3) prevents the counsel or agent representing a party described in subsection (3) from disclosing a clinical record to that party.

Idem

**(39) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line and in the eighth line.**

**(40) Subsection 33e (2) of the said Act is amended by striking out "regional" in the first line, in the second line and in the fifth line.**

**(41) Subsection 33e (3) of the said Act is amended by striking out "regional" in the first line.**

**(42) Subsection 33e (4) of the said Act is amended by striking out "regional" in the third line.**

**(43) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line.**

**(44) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:**

Time for  
appeal

(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.

Time for  
answer

(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.

Exception

(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).

Extension of  
discontinued  
certificate

(1d) Where an appeal is taken against a decision by the review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.

Extension of  
certificate for  
appeal

(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.

Authority of  
extension

(1f) An extension of a certificate under subsection (1e) is effective,

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;
- (b) until the certificate is rescinded; or
- (c) until the party appealing withdraws the appeal,

whichever first occurs.

Renewal of  
certificate

(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.

Authority of  
certificate

(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).

Evidence for  
extension

(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satis-



fied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

**(45) Subsection 33f (2) of the said Act is repealed and the following substituted therefor:**

(2) Where a party appeals from a decision or an order of the review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal.

Transcript  
and record

**(46) The said section 33f is further amended by adding thereto the following subsection:**

(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal.

Early date  
for appeal

**(47) Subsection 33f (4) of the said Act is amended by striking out "regional" in the second line.**

**(48) Subsection 33f (5) of the said Act is amended by striking out "regional" in the third line.**

**(49) Subsection 33f (6) of the said Act is amended by striking out "regional" in the second line.**

**(50) Section 34 of the said Act is repealed.**

**(51) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years" and by striking out "regional" in the sixth line.**

**(52) Section 35 of the said Act is amended by adding thereto the following subsections:**

(2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent.

Application  
for review of  
patient  
determined  
incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined.

Idem



Idem

(2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

**(53) Clause 35 (4) (a) of the said Act is repealed and the following substituted therefor:**

- (a) an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and

**(54) Subsection 35 (4) of the said Act is amended by striking out "regional" in the second last line.**

**(55) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:**

Criteria for  
treatment  
order

(5) Where the review board is satisfied,

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

**(56) Subsection 35 (6) of the said Act is amended by striking out "regional" in the fourth line.**

**(57) Section 35 of the said Act is further amended by adding thereto the following subsections:**

Consent of  
spouse

(7) Where a person who gives a consent under this section claims to be,

- (a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to. Treatment pending appeal

**(58) The said Act is further amended by adding thereto the following section:**

**35a.**—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained. Documentation of use of restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage. Chemical restraint

**(59) Subsection 43 (1) of the said Act is amended by striking out "chairman of the review board having jurisdiction" in the third and fourth lines and inserting in lieu thereof "review board".**

**(60) Subsection 43 (2) of the said Act is amended by striking out "31, 32 and 33" in the second and third lines and inserting in lieu thereof "33, 33a, 33b, 33c, 33d, 33e and 33f".**

**(61) Clause 65 (1) (h) of the said Act is amended by striking out "a" in the second line and inserting in lieu thereof "the".**

(62) Clause 65 (1) (i) of the said Act is amended by striking out "review boards and advisory review boards" in the second line and inserting in lieu thereof "the review board".

(63) Clause 65 (1) (j) of the said Act is repealed.

(64) Clause 65 (1) (k) of the said Act is amended by striking out "review boards and advisory review boards" in the second and third lines and inserting in lieu thereof "the review board and the co-ordinator".

(65) Clause 65 (1) (l) of the said Act is amended by striking out "review boards and advisory review boards" in the first and second lines and inserting in lieu thereof "the review board".

**34.** Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Liability  
for spouse

**19.** Every person whose spouse is a patient is liable for the maintenance of that spouse.

**35.** Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

By whom  
application  
to be made

(2) The application may be made by,

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

**36.** Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

**37.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:**

(2) In this Act, “spouse” means a person of the opposite sex, “spouse”  
defined

- (a) to whom the person is married; or
- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
- (i) have cohabited for at least one year,
- (ii) are together the parents of a child, or
- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

**(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:**

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years. Qualifications  
of applicants

**(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out “British subjects” in the fifth line and inserting in lieu thereof “Canadian citizens”.**

**(4) Section 101 of the said Act is amended,**

- (a) by striking out “old age or” in the fourth line; and
- (b) by striking out “widows” in the sixth line and inserting in lieu thereof “surviving spouses”.

**(5) Paragraph 30 of section 210 of the said Act is amended by striking out “such age as the by-law may prescribe” in the fourth and fifth lines and inserting in lieu thereof “the age of twelve years”.**



(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out “wife, husband” in the first line and inserting in lieu thereof “spouse”.

**38.** Clause 1 (n) of the *Municipal Conflict of Interest Act, 1983*, being chapter 8, is repealed and the following substituted therefor:

- (n) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**39.** Section 1 of the *Municipal Elderly Resident’s Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) “spouse” means a person of the opposite sex,
  - (i) to whom the person is married, or
  - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or
    - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**40.—(1)** Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

- 37. “spouse” means a person of the opposite sex,
  - (a) to whom the person is married, or
  - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (i) have cohabited for at least one year,
    - (ii) are together the parents of a child, or

- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended by striking out “eighteen” in the second line and inserting in lieu thereof “sixteen”.

**41.**—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “male and female” in the third and fourth lines; and
- (b) by striking out “seventeen” in the fourth line and inserting in lieu thereof “eighteen”.

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

(2) A person is liable for the payment of the tax in respect of his or her spouse.

Liability  
of spouse

**42.**—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(2) Clause 144 (3) (a) of the said Act is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the sixth and seventh lines and inserting in lieu thereof “occupant’s”.

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the fifth line and inserting in lieu thereof “occupant’s”.

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation (11a) In subsections (11b), (11c) and (12), "surviving spouse" means a person of the opposite sex who was married to the occupant immediately before the occupant's death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant's death.

Surviving spouse to remain after occupant's death (11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant's place.

Deemed termination (11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "occupant's spouse, as defined in section 14 of the *Family Law Reform Act*" in the third and fourth lines and inserting in lieu thereof "surviving spouse" and by striking out "his" in the sixth line and inserting in lieu thereof "a".

**43.** Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (g) "spouse" means a person of the opposite sex,
  - (i) to whom the person is married, or
  - (ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or
    - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

**44.** Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.



**45.** Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;  
or

**46.** Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

**47.—(1)** Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

**(2)** Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”.

**48.** Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**(2)** For the purposes of clause (1) (b), “related person” Interpretation means,



- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

**49.** Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

**50.** Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
  - (i) was married to a deceased partner immediately before the deceased partner died,
  - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
  - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

**51.** Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

**52.** Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), “spouse” means a person of the opposite sex, “spouse”  
defined

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least a year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

**53.** Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by inserting after “God” in the thirteenth line “(omit this phrase in an affirmation)”.

**54.** Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. “spouse”  
defined

**55.** Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**26.** No person under eighteen years of age shall act as a private investigator or a security guard. Age limit

**56.** The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

**57.** Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out “widow” in the fifth line.

**58.**—(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out “British subject by birth or naturalization” in the second line and inserting in lieu thereof “Canadian citizen or permanent resident of Canada”.

(2) Section 4 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation).”

**59.**—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

**60.** Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

**61.** Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

**62.**—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed.

**63.**—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Exception  
for higher  
education

iv. any relative of that person,

v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or

vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out "or" at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

(b) a senior officer or director of the issuer;

(c) a parent, brother, sister or child of the person mentioned in clause (b); or

(d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out "or" at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

B. a senior officer or director of the issuer,

C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or

D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

**64.** Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.



**65.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Labour in township in which poll tax is not levied

**5.** In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

**(2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:**

Qualifications of voters

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

**(3) Subsection 16 (3) of the said Act is repealed.**

**(4) Section 17 of the said Act is amended by striking out “a British subject and otherwise” in the second line.**

**(5) Subsection 19 (1) of the said Act is amended by striking out “that you are a British subject” in the fourth and fifth lines of the oath.**

**(6) Subsection 19 (2) of the said Act is repealed.**

**(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:**

Statute labour in unincorporated areas

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and

- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

**66. Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

To what persons administration shall be granted

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

**67. Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

Canadian citizen

**68. Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:**

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age

Exception for higher education

of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

**69.** Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
  - (A) had cohabited for at least one year,
  - (B) were together the parents of a child, or
  - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

Commence-  
ment

**70.—(1)** This Act, except,

- (a) sections 28, 60 and 68;
- (b) subsections 12 (2), (3), (4) and (5);
- (c) section 14;
- (d) subsection 33 (53);
- (e) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67; and
- (f) subsections 18 (8), (9), (10), (11), (15) and (16) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.

Idem

(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987.

Idem

(3) Section 14 comes into force on the 1st day of March, 1987.

(4) Subsection 33 (53) comes into force on the 1st day of April, 1987. Idem

(5) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988. Idem

(6) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67 come into force on the 1st day of July, 1989. Idem

(7) Subsections 18 (8), (9), (10), (11), (15) and (16) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

**71.** The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*. Short title





## Bill 8

### **An Act to provide for French Language Services in the Government of Ontario**

**The Hon. B. Grandmaître**  
*Minister responsible for  
Francophone Affairs*

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*1st Reading*      May 1st, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

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## Projet de loi 8

### **Loi assurant la prestation de services en français par le gouvernement de l'Ontario**

**L'honorable B. Grandmaître**  
*ministre délégué aux  
Affaires francophones*

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*1<sup>re</sup> lecture*      1<sup>er</sup> mai 1986  
*2<sup>e</sup> lecture*  
*3<sup>e</sup> lecture*  
*sanction royale*

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### EXPLANATORY NOTES

The Act entitles the public to communicate with and receive available services from government agencies in French. This will be phased in during a three year period and applies to central or head offices of government agencies and to their local offices in areas designated by the Schedule. It also applies to public service agencies that are designated by the regulations, whether during or after the three year period.

The Act does not apply to municipalities or local boards.

The Act also requires the current public general statutes of Ontario to be translated into French by the end of 1991 and thereafter all the public Bills of the Assembly to be in both languages. Selected regulations would be translated as well.

The Ontario French Language Services Commission is established to recommend improvements in the delivery of French language services and to recommend changes in implementation plans during a three year period. At the end of that time, the Commission is dissolved.

## NOTES EXPLICATIVES

Le projet de loi confère au public le droit à l'emploi du français pour communiquer avec les organismes gouvernementaux et pour en recevoir les services. La mise en oeuvre de ces dispositions s'échelonnait sur une période de trois ans. Elles s'appliquent à l'égard des sièges et des administrations centrales des organismes gouvernementaux ainsi qu'à l'égard des bureaux locaux qui se trouvent dans les régions désignées à l'annexe. Elles s'appliquent également à l'égard des organismes offrant des services publics qui sont désignés par les règlements pendant ou après la période de trois ans.

Le projet de loi ne s'applique pas aux municipalités, ni aux conseils locaux.

Le projet de loi exige également la traduction en français des lois de caractère public et général qui demeurent en vigueur. Ceci doit se faire avant la fin de 1991, et après ce moment les projets de loi de caractère public de l'Assemblée seront présentés et adoptés dans les deux langues. Certains règlements feront également l'objet d'une traduction.

La Commission des services en français de l'Ontario est créée afin de suggérer des améliorations à la prestation des services en français et de recommander des modifications aux projets de mise en oeuvre pendant une période de trois ans. À la fin de cette période, la Commission est dissoute.



**Bill 8****1986****An Act to provide for  
French Language Services in  
the Government of Ontario****Preamble**

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Definitions****1. In this Act,**

“organisme  
gouverne-  
mental”

“government agency” means,

- (a) a ministry of the Government of Ontario,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,
- (d) a nursing home as defined in the *Nursing Homes Act* or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

**Projet de loi 8****1986****Loi assurant la prestation  
de services en français par  
le gouvernement de l'Ontario**

Attendu que la langue française a joué en Ontario un rôle historique et honorable, et que la Constitution lui reconnaît le statut de langue officielle au Canada; attendu que cette langue jouit, en Ontario, du statut de langue officielle devant les tribunaux et dans l'éducation; et attendu qu'il est souhaitable de garantir l'emploi de la langue française dans les institutions de la Législature et du gouvernement de l'Ontario, comme le prévoit la présente loi;

Préambule

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

**1 Les définitions qui suivent s'appliquent à la présente loi.**

Définitions

«organisme gouvernemental» S'entend des organismes suivants :

«government agency»

- a) un ministère du gouvernement de l'Ontario;
- b) un conseil, une commission ou une personne morale dont la majorité des membres ou des administrateurs sont nommés par le lieutenant-gouverneur en conseil;
- c) une personne morale à but non lucratif ou une organisation semblable, qui fournit un service au public, reçoit des subventions qui sont prélevées sur les deniers publics, et est désignée par les règlements en tant qu'organisme offrant des services publics;
- d) une maison de soins infirmiers au sens de la *Loi sur les maisons de soins infirmiers* ou un foyer de soins spéciaux au sens de la *Loi sur les foyers de soins spéciaux* qui sont désignés par les règlements en tant qu'organismes offrant des services publics.

L.R.O. 1980,  
chap. 320,  
202

but does not include,

(e) a psychiatric facility or residential facility that is administered by a ministry or a college of applied arts and technology, unless the facility or college is designated as a public service agency by the regulations,

(f) a municipality, or a local board as defined in the *Municipal Affairs Act*;

R.S.O. 1980,  
c. 303

"service"

"service" means any service or procedure that is provided to the public by a government agency and includes all communications for the purpose.

Provision  
of services  
in French

**2.** The Government of Ontario shall ensure that services are provided in French in accordance with this Act.

Use of  
English  
or French in  
Legislative  
Assembly

**3.—**(1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly.

Bills and  
Acts of the  
Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French.

Translation  
of Statutes

**4.—**(1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990.

Translation  
of regulations

(2) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers appropriate.

Right to  
services in  
French

**5.—**(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature that is designated by the regulations, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Re-enactment  
of s. 5 (1)

(2) Subsection (1) is repealed three years after it comes into force and the following substituted therefor:



Sont toutefois exclus :

- e) les établissements psychiatriques et les foyers administrés par un ministère ainsi que les collèges d'arts appliqués et de technologie, sauf ceux qui sont désignés par les règlements en tant qu'organismes offrant des services publics;
- f) les municipalités, de même que les conseils locaux au sens de la *Loi sur les affaires municipales*.

L.R.O. 1980,  
chap. 303

«service» Service ou procédure qu'un organisme gouvernemental fournit au public. S'entend en outre des communications faites en vue de fournir le service ou la procédure.

«service»

**2** Le gouvernement de l'Ontario assure la prestation des services en français conformément à la présente loi.

Prestation des  
services en  
français

**3** (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et les autres travaux de l'Assemblée législative.

Droit d'em-  
ployer le  
français ou  
l'anglais à  
l'Assemblée

(2) Les projets de loi de caractère public de l'Assemblée qui sont présentés après le 1<sup>er</sup> janvier 1991 sont présentés et adoptés en français et en anglais.

Projets de loi  
et lois de  
l'Assemblée

**4** (1) Le procureur général fait traduire en français, avant le 31 décembre 1991, un recueil, mis à jour, des lois de caractère public et général qui ont été adoptées de nouveau au moyen des Lois refondues de l'Ontario de 1980 ou qui ont été adoptées en anglais seulement après l'entrée en vigueur des Lois refondues de l'Ontario de 1980, et qui demeurent en vigueur le 31 décembre 1990.

Traduction  
des lois

(2) Le procureur général fait traduire en français les règlements dont il estime la traduction appropriée.

Traduction  
des  
règlements

**5** (1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature désignés par les règlements et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux  
services en  
français

(2) Le paragraphe (1) est abrogé trois ans après son entrée en vigueur et remplacé par ce qui suit :

Nouvelle  
adoption  
du par. (1)



Right to  
services  
in French

(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Duplication  
of services

(3) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French.

Idem

(4) If one or more offices are designated under subsection (3), subsection (1) does not apply in respect of the service provided by the other offices in the designated area.

Existing  
practice  
protected

**6.** This Act shall not be construed to limit the use of the English or French language outside of the application of this Act.

Limitation  
of  
obligations  
of  
government  
agencies, etc.

**7.** The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.

Regulations

**8.—(1)** The Lieutenant Governor in Council may make regulations,

- (a) designating non-profit corporations and similar entities, facilities, homes and colleges as public service agencies, for the purpose of the definition of "government agency";
- (b) amending the Schedule by adding areas to it;
- (c) designating government agencies and institutions of the Legislature for the purposes of subsection 5 (1);
- (d) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so.

(1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(3) Lorsque le même service est fourni par plus d'un bureau dans une région désignée, le lieutenant-gouverneur en conseil peut désigner un ou plusieurs des bureaux afin qu'ils fournissent le service en français, s'il est d'avis que le public de la région désignée bénéficiera ainsi d'un accès raisonnable au service en français.

Duplication des services

(4) Si un ou plusieurs bureaux sont désignés en vertu du paragraphe (3), le paragraphe (1) ne s'applique pas à l'égard du service offert par les autres bureaux de la région désignée.

Idem

6 La présente loi n'a pour effet de porter atteinte à l'utilisation ni de la langue française ni de la langue anglaise hors du champ d'application de la présente loi.

Pratique existante

7 Si toutes les mesures raisonnables ont été prises et que tous les projets raisonnables ont été élaborés afin de faire respecter la présente loi, les obligations qu'elle impose aux organismes gouvernementaux et aux institutions de la Législature sont assujetties aux limitations raisonnables et nécessaires qu'exigent les circonstances.

Limitation des obligations

8 (1) Le lieutenant-gouverneur en conseil peut, par règlement :

Règlements

- a) désigner des personnes morales à but non lucratif et des organisations semblables, ainsi que des établissements, des foyers, des maisons et des collèges en tant qu'organismes offrant des services publics, aux fins de la définition du terme «organisme gouvernemental»;
- b) modifier l'annexe en y ajoutant des régions;
- c) désigner des organismes gouvernementaux et des institutions de la Législature pour l'application du paragraphe 5 (1);
- d) exempter des services de l'application des articles 2 et 5 si, de l'avis du lieutenant-gouverneur en conseil, cette mesure s'avère raisonnable et nécessaire.

Repeal of  
s. 8 (1) (c)      (2) Clause (1) (c) is repealed three years after this Act comes into force.

Public service  
agencies;  
limited  
designation      **9.**—(1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation.

Consent of  
university      (2) A regulation made under this Act that applies to a university is not effective without the university's consent.

Notice and  
comment re  
exempting  
regulation,  
etc.      **10.**—(1) This section applies to a regulation,  
  
                  (a) exempting a service under clause 8 (1) (d);  
  
                  (b) revoking the designation of a public service agency;  
  
                  (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

Idem      (2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs.

Idem      (3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.

Program  
for the  
designation  
of public  
service  
agencies      **11.** The Lieutenant Governor in Council shall establish a program for the purpose of encouraging non-profit corporations and similar entities to consent to their designation as public service agencies before subsection 5 (1) as re-enacted by subsection 5 (2) comes into force.

Responsible  
Minister      **12.**—(1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act.



(2) L'alinéa (1) c) est abrogé trois ans après l'entrée en vigueur de la présente loi.

Abrogation  
de l'alinéa  
(1) c)

**9** (1) Le règlement qui désigne un organisme offrant des services publics peut restreindre le champ d'application de la désignation de sorte que celle-ci ne porte que sur des services précis que fournit l'organisme, ou préciser les services qui sont exclus de la désignation.

Désignation  
restreinte de  
l'organisme  
offrant des  
services  
publics

(2) Le règlement pris en application de la présente loi et qui s'applique à une université n'entre pas en vigueur sans le consentement de l'université.

Consentement  
de  
l'université

**10** (1) Le présent article s'applique au règlement :

Avis et obser-  
vations tou-  
chant le  
règlement  
d'exemption,  
etc.

- a) visant à exempter un service aux termes de l'alinéa 8 (1) d);
- b) visant à révoquer la désignation d'un organisme offrant des services publics;
- c) visant à modifier un règlement qui désigne un organisme offrant des services publics de manière à exclure ou à soustraire un service de la portée de la désignation.

(2) Le règlement visé au présent article ne peut être pris qu'après l'écoulement d'un délai d'au moins quarante-cinq jours suivant la publication, dans la *Gazette de l'Ontario* et dans un journal généralement lu en Ontario, d'un avis énonçant la substance du règlement proposé et invitant le public à adresser ses observations au ministre délégué aux Affaires francophones.

Idem

(3) Après l'expiration du délai de quarante-cinq jours, le lieutenant-gouverneur en conseil peut prendre sans avis additionnel le règlement qui comporte, le cas échéant, les changements jugés souhaitables.

Idem

**11** Le lieutenant-gouverneur en conseil met sur pied un programme visant à encourager les personnes morales à but non lucratif et les organisations semblables à donner leur consentement à leur désignation en tant qu'organismes offrant des services publics avant l'entrée en vigueur du paragraphe 5 (1) tel qu'il est adopté de nouveau par le paragraphe 5 (2).

Programme  
visant à la  
désignation  
des organis-  
mes offrant  
des services  
publics

**12** (1) Le ministre délégué aux Affaires francophones est chargé de l'application de la présente loi.

Ministre



## Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) investigate and respond to public complaints respecting the provision of French language services;
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission;
- (f) refer matters to the Ontario French Language Services Commission for its report and recommendations within such times as the Minister specifies,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act.

## Annual report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Office for  
Francophone  
Affairs  
R.S.O. 1980,  
c. 418

**13.** Such employees as are considered necessary shall be appointed under the *Public Service Act* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs.

French  
language  
services  
co-ordinators

**14.—(1)** A French language services co-ordinator shall be appointed for each ministry of the government.

(2) Le ministre élabore et coordonne la politique et les programmes du gouvernement en ce qui concerne les affaires francophones et la prestation des services en français. À ces fins, il peut :

Fonctions

- a) préparer et recommander les projets, les politiques et les priorités du gouvernement en ce qui concerne la prestation des services en français;
- b) coordonner, contrôler et surveiller la mise sur pied des programmes du gouvernement visant à la prestation des services en français par les organismes gouvernementaux et des programmes concernant l'emploi de la langue française;
- c) formuler des recommandations relativement au financement des programmes du gouvernement visant à la prestation des services en français;
- d) faire enquête sur les plaintes des membres du public en ce qui concerne la prestation des services en français et répondre à ces plaintes;
- e) exiger que des projets gouvernementaux visant à la mise en oeuvre de la présente loi soient élaborés et présentés et impartir des délais relatifs à leur élaboration et à leur présentation;
- f) renvoyer des questions devant la Commission des services en français de l'Ontario afin qu'elle fasse rapport et formule des recommandations dans les délais qu'il précise.

Le ministre remplit également les fonctions qui lui sont assignées par décret ou par une autre loi.

(3) À la fin de chaque exercice, le ministre présente au lieutenant-gouverneur en conseil un rapport sur les affaires de l'Office des affaires francophones. Il dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la prochaine session.

Rapport  
annuel

**13** Les employés qui sont jugés nécessaires pour remplir les fonctions du ministre sont nommés en vertu de la *Loi sur la fonction publique*. L'ensemble de ces employés constitue l'Office des affaires francophones.

Office  
des affaires  
francophones  
L.R.O. 1980,  
chap. 418

**14** (1) Un coordonnateur des services en français est nommé au sein de chaque ministère du gouvernement.

Coordon-  
nateurs des  
services en  
français

Committee (2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs.

Communication (3) Each French language services co-ordinator may communicate directly with his or her deputy minister.

Deputy minister (4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry.

Ontario French Language Services Commission **15.**—(1) The Ontario French Language Services Commission is established and consists of,

- (a) a chairman who shall be a full-time member appointed by the Lieutenant Governor in Council for a term of three years;
- (b) four part-time members who shall be appointed by the Lieutenant Governor in Council for a term of three years; and
- (c) the senior official of the Office of Francophone Affairs, who shall be a member by virtue of the office, but shall not have a vote.

Term of replacement (2) If the seat of the chairman or a part-time member becomes vacant, it shall be filled for the unexpired portion of the term.

Function of Commission (3) The Commission may,

- (a) review the availability and quality of French language services and make recommendations for their improvement;
- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Commission information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;



(2) Les coordonnateurs des services en français constituent un comité que préside le fonctionnaire principal de l'Office des affaires francophones.

Comité

(3) Chaque coordonnateur des services en français peut communiquer directement avec son sous-ministre.

Communi-  
cation

(4) Chaque sous-ministre rend compte au Conseil des ministres de la mise en oeuvre de la présente loi et de la qualité des services en français dans le ministère.

Sous-  
ministre

**15** (1) La Commission des services en français de l'Ontario est créée. Elle se compose des membres suivants :

Commission  
des services  
en français

- a) le président, qui est membre à temps plein, nommé par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- b) quatre membres à temps partiel, qui sont nommés par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- c) le fonctionnaire principal de l'Office des affaires francophones, qui est membre d'office, mais n'a pas droit de vote.

(2) Si le poste du président ou d'un membre à temps partiel devient vacant, un remplaçant est nommé pour le reste de la durée du mandat.

Vacance au  
sein de la  
Commission

(3) La Commission peut :

Fonctions de  
la  
Commission

- a) examiner la disponibilité et la qualité des services en français et faire des recommandations en vue de leur amélioration;
- b) recommander la désignation des organismes offrant des services publics et l'ajout à l'annexe de régions désignées;
- c) exiger que des personnes morales à but non lucratif et des organisations semblables ainsi que des établissements, des foyers, des maisons et des collèges visés à la définition du terme «organisme gouvernemental» lui fournissent des renseignements qui peuvent être pertinents en ce qui concerne la formulation de recommandations au sujet de leur désignation en tant qu'organismes offrant des services publics;



- (d) recommend changes in the plans of government agencies for the provision of French language services and make the plans and recommendations public;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d) and make the recommendations public,

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly.

Recommendations

(4) The relevant recommendations of the Commission shall be taken into consideration in the making of decisions under this Act and are admissible in evidence in a proceeding.

Responsible to Minister

(5) The Commission is responsible to the Minister responsible for Francophone Affairs.

Staff

R.S.O. 1980, c. 418

(6) Such employees as are considered necessary shall be appointed under the *Public Service Act* for the performance of the Commission's functions.

Annual report

(7) The Commission shall, after the close of each fiscal year, submit an annual report upon the affairs of the Commission to the Speaker of the Legislative Assembly who shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Dissolution of Commission

(8) The Commission is dissolved three years after the coming into force of this section and thereafter the functions of the Commission under subsection (3) shall be performed by the Office of Francophone Affairs.

Re-enactment of s. 15 (3) (d, e)

(9) Clauses (3) (d) and (e) are repealed three years after the coming into force of this section and the following substituted therefor:

- (d) recommend changes in the plans of government agencies for the provision of French language services;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d).

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français et informer le public des projets et de ses recommandations;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d) et informer le public de ces recommandations.

La Commission remplit également les fonctions qui lui sont assignées par le ministre délégué aux Affaires francophones, le Conseil des ministres ou l'Assemblée législative.

(4) Lorsqu'une décision est prise aux termes de la présente loi, il est tenu compte des recommandations pertinentes de la Commission. Ces recommandations constituent une preuve admissible lors d'une instance.

Recommen-  
dations

(5) La Commission relève du ministre.

La Commis-  
sion relève  
du ministre  
Personnel

(6) Les employés qui sont jugés nécessaires pour remplir les fonctions de la Commission sont nommés en vertu de la *Loi sur la fonction publique*.

L.R.O. 1980,  
chap. 418

(7) À la fin de chaque exercice, la Commission présente au président de l'Assemblée législative son rapport annuel. Le président dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la session suivante.

Rapport  
annuel

(8) La Commission est dissoute trois ans après l'entrée en vigueur du présent article. À partir de cette dissolution, les fonctions de la Commission visées au paragraphe (3) sont remplies par l'Office des affaires francophones.

La Commis-  
sion est  
dissoute

(9) Les alinéas (3) d) et e) sont abrogés trois ans après l'entrée en vigueur du présent article et remplacés par ce qui suit :

Nouvelle  
adoption  
des alinéas  
15 (3) d), e)

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d).

Commence-  
ment

**16.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**17.** The short title of this Act is the *French Language Services Act, 1986*.

**16** La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation. Entrée en  
vigueur

**17** Le titre abrégé de la présente loi est *Loi de 1986 sur les services en français*. Titre abrégé



## SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
Municipality of Metropolitan Toronto	All
Regional Municipality of Hamilton-Wentworth	City of Hamilton
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Ottawa-Carleton	All
Regional Municipality of Peel	City of Mississauga
Regional Municipality of Sudbury	All
County of Dundas	Village of Chesterville
County of Essex	City of Windsor
	Towns of: Belle River and Tecumseh
	Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Prescott	All
County of Renfrew	City of Pembroke Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All

## ANNEXE

MUNICIPALITÉ OU DISTRICT	RÉGION
Municipalité de la communauté urbaine de Toronto	La totalité
Municipalité régionale de Hamilton-Wentworth	La cité de Hamilton
Municipalité régionale de Niagara	Les cités suivantes : Port Colborne et Welland
Municipalité régionale d'Ottawa-Carleton	La totalité
Municipalité régionale de Peel	La cité de Mississauga
Municipalité régionale de Sudbury	La totalité
Comté de Dundas	Le village de Chesterville
Comté d'Essex	La cité de Windsor Les villes suivantes : Belle River et Tecumseh Les cantons suivants : Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West et Rochester
Comté de Glengarry	La totalité
Comté de Kent	La ville de Tilbury Les cantons suivants : Dover et Tilbury East
Comté de Prescott	La totalité
Comté de Renfrew	La cité de Pembroke Les cantons suivants : Stafford et Westmeath
Comté de Russell	La totalité
Comté de Simcoe	La ville de Penetanguishene Les cantons suivants : Tiny et Essa
Comté de Stormont	La totalité
District d'Algoma	La totalité
District de Cochrane	La totalité

District of Kenora	Township of Ignace
District of Nipissing	All
District of Sudbury	All
District of Thunder Bay	Town of Geraldton Townships of: Longlac, Manitouwadge, Marathon, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All

District de Kenora	Le canton d'Ignace
District de Nipissing	La totalité
District de Sudbury	La totalité
District de Thunder Bay	La ville de Geraldton Les cantons suivants : Longlac, Manitouwadge, Marathon, Beardmore, Nakina et Terrace Bay
District de Timiskaming	La totalité





# Bill 8

## **An Act to provide for French Language Services in the Government of Ontario**

**The Hon. B. Grandmaître**  
*Minister responsible for  
Francophone Affairs*

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*1st Reading*      May 1st, 1986  
*2nd Reading*     July 9th, 1986  
*3rd Reading*  
*Royal Assent*

*(Reprinted as amended by the  
Committee of the Whole House)*

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# Projet de loi 8

## **Loi assurant la prestation de services en français par le gouvernement de l'Ontario**

**L'honorable B. Grandmaître**  
*ministre délégué aux  
Affaires francophones*

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*1<sup>re</sup> lecture*      1<sup>er</sup> mai 1986  
*2<sup>e</sup> lecture*      9 juillet 1986  
*3<sup>e</sup> lecture*  
*sanction royale*

*(Réimprimé tel qu'il est modifié par le  
comité plénier de l'Assemblée)*

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## EXPLANATORY NOTES

The Act entitles the public to communicate with and receive available services from government agencies in French. This will be phased in during a three year period and applies to central or head offices of government agencies and to their local offices in areas designated by the Schedule. It also applies to public service agencies that are designated by the regulations, whether during or after the three year period.

The Act does not apply to municipalities or local boards. However, section 16 provides that municipalities may pass by-laws for bilingual services.

The Act also requires the current public general statutes of Ontario to be translated into French by the end of 1991 and thereafter all the public Bills of the Assembly to be in both languages. Selected regulations would be translated as well.

The Ontario French Language Services Commission is established to recommend improvements in the delivery of French language services and to recommend changes in implementation plans during a three year period. At the end of that time, the Commission is dissolved.

## NOTES EXPLICATIVES

Le projet de loi confère au public le droit à l'emploi du français pour communiquer avec les organismes gouvernementaux et pour en recevoir les services. La mise en oeuvre de ces dispositions s'échelonnera sur une période de trois ans. Elles s'appliquent à l'égard des sièges et des administrations centrales des organismes gouvernementaux ainsi qu'à l'égard des bureaux locaux qui se trouvent dans les régions désignées à l'annexe. Elles s'appliquent également à l'égard des organismes offrant des services publics qui sont désignés par les règlements pendant ou après la période de trois ans.

Le projet de loi ne s'applique pas aux municipalités, ni aux conseils locaux. L'article 16 prévoit cependant que les municipalités peuvent adopter des règlements en ce qui concerne les services bilingues.

Le projet de loi exige également la traduction en français des lois de caractère public et général qui demeurent en vigueur. Ceci doit se faire avant la fin de 1991, et après ce moment les projets de loi de caractère public de l'Assemblée seront présentés et adoptés dans les deux langues. Certains règlements feront également l'objet d'une traduction.

La Commission des services en français de l'Ontario est créée afin de suggérer des améliorations à la prestation des services en français et de recommander des modifications aux projets de mise en oeuvre pendant une période de trois ans. À la fin de cette période, la Commission est dissoute.



**Bill 8****1986****An Act to provide for  
French Language Services in  
the Government of Ontario****Preamble**

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Definitions****1. In this Act,**

"organisme  
gouverne-  
mental"

"government agency" means,

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,

## Projet de loi 8

1986

**Loi assurant la prestation  
de services en français par  
le gouvernement de l'Ontario**

Attendu que la langue française a joué en Ontario un rôle historique et honorable, et que la Constitution lui reconnaît le statut de langue officielle au Canada; attendu que cette langue jouit, en Ontario, du statut de langue officielle devant les tribunaux et dans l'éducation; attendu que l'Assemblée législative reconnaît l'apport du patrimoine culturel de la population francophone et désire le sauvegarder pour les générations à venir; et attendu qu'il est souhaitable de garantir l'emploi de la langue française dans les institutions de la Législature et du gouvernement de l'Ontario, comme le prévoit la présente loi;

Préambule

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

**1** Les définitions qui suivent s'appliquent à la présente loi.

Définitions

«organisme gouvernemental» S'entend des organismes suivants :

«government agency»

- a) un ministère du gouvernement de l'Ontario, sauf que les établissements psychiatriques, les foyers et les collèges d'arts appliqués et de technologie administrés par un ministère ne sont pas inclus, à moins d'être désignés par les règlements en tant qu'organismes offrant des services publics;
- b) un conseil, une commission ou une personne morale dont la majorité des membres ou des administrateurs sont nommés par le lieutenant-gouverneur en conseil;
- c) une personne morale à but non lucratif ou une organisation semblable, qui fournit un service au public, reçoit des subventions qui sont prélevées sur les

R.S.O. 1980,  
cc. 320, 202


- (d) a nursing home as defined in the *Nursing Homes Act* or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

1984, c. 55

- (e) a service provider as defined in the *Child and Family Services Act, 1984* or a board as defined in the *District Welfare Administration Boards Act* that is designated as a public service agency by the regulations,

R.S.O. 1980,  
c. 122

R.S.O. 1980,  
c. 303

and does not include a municipality, or a local board as defined in the *Municipal Affairs Act*, other than a local board that is designated under clause (e). 

“service”

“service” means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose.

Provision  
of services  
in French

**2.** The Government of Ontario shall ensure that services are provided in French in accordance with this Act.

Use of  
English  
or French in  
Legislative  
Assembly

**3.—(1)** Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly.


Bills and  
Acts of the  
Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French.

Translation  
of Statutes

**4.—(1)** Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990.

Enactment

(2) The Attorney General shall present the translations referred to in subsection (1) to the Legislative Assembly for enactment. 

Translation  
of regulations

(3) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers



deniers publics, et est désignée par les règlements en tant qu'organisme offrant des services publics;

- d) une maison de soins infirmiers au sens de la *Loi sur les maisons de soins infirmiers* ou un foyer de soins spéciaux au sens de la *Loi sur les foyers de soins spéciaux* qui sont désignés par les règlements en tant qu'organismes offrant des services publics; L.R.O. 1980, chap. 320, 202
- e) un fournisseur de services au sens de la *Loi de 1984 sur les services à l'enfance et à la famille* ou une commission au sens de la *Loi sur les commissions de district pour l'administration du bien-être social* qui sont désignés par les règlements en tant qu'organismes offrant des services publics. 1984, chap. 55  
L.R.O. 1980, chap. 122

Sont exclus les municipalités, de même que les conseils locaux au sens de la *Loi sur les affaires municipales*, à l'exception des conseils locaux qui sont désignés aux termes de l'alinéa e). L.R.O. 1980, chap. 303

«service» Service ou procédure qu'un organisme gouvernemental ou une institution de la Législature fournit au public. S'entend en outre des communications faites en vue de fournir le service ou la procédure.

«service»

**2** Le gouvernement de l'Ontario assure la prestation des services en français conformément à la présente loi.

Prestation des services en français

**3** (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et les autres travaux de l'Assemblée législative.

Droit d'employer le français ou l'anglais à l'Assemblée

(2) Les projets de loi de caractère public de l'Assemblée qui sont présentés après le 1<sup>er</sup> janvier 1991 sont présentés et adoptés en français et en anglais.

Projets de loi et lois de l'Assemblée

**4** (1) Le procureur général fait traduire en français, avant le 31 décembre 1991, un recueil, mis à jour, des lois de caractère public et général qui ont été adoptées de nouveau au moyen des Lois refondues de l'Ontario de 1980 ou qui ont été adoptées en anglais seulement après l'entrée en vigueur des Lois refondues de l'Ontario de 1980, et qui demeurent en vigueur le 31 décembre 1990.

Traduction des lois

(2) Le procureur général présente à l'Assemblée législative les traductions visées au paragraphe (1) afin qu'elle les adopte.

Adoption

(3) Le procureur général fait traduire en français les règlements dont il estime la traduction appropriée et recommande

Traduction des règlements



appropriate and shall recommend the translations to the Executive Council or other regulation-making authority for adoption.

Right to  
services in  
French

**5.—**(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature that is designated by the regulations, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Re-enactment  
of s. 5 (1)

(2) Subsection (1) is repealed three years after it comes into force and the following substituted therefor:

Right to  
services  
in French

(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Duplication  
of services

(3) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French.

Idem

(4) If one or more offices are designated under subsection (3), subsection (1) does not apply in respect of the service provided by the other offices in the designated area.

Existing  
practice  
protected

**6.** This Act shall not be construed to limit the use of the English or French language outside of the application of this Act.

Limitation  
of  
obligations  
of  
government  
agencies, etc.

**7.** The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.

Regulations

**8.—**(1) The Lieutenant Governor in Council may make regulations,

les traductions au Conseil des ministres ou à l'autorité compétente afin que le Conseil ou l'autorité les adopte.

**5** (1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature désignés par les règlements et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(2) Le paragraphe (1) est abrogé trois ans après son entrée en vigueur et remplacé par ce qui suit :

Nouvelle adoption du par. (1)

(1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(3) Lorsque le même service est fourni par plus d'un bureau dans une région désignée, le lieutenant-gouverneur en conseil peut désigner un ou plusieurs des bureaux afin qu'ils fournissent le service en français, s'il est d'avis que le public de la région désignée bénéficiera ainsi d'un accès raisonnable au service en français.

Duplication des services

(4) Si un ou plusieurs bureaux sont désignés en vertu du paragraphe (3), le paragraphe (1) ne s'applique pas à l'égard du service offert par les autres bureaux de la région désignée.

Idem

**6** La présente loi n'a pour effet de porter atteinte à l'utilisation ni de la langue française ni de la langue anglaise hors du champ d'application de la présente loi.

Pratique existante


**7** Si toutes les mesures raisonnables ont été prises et que tous les projets raisonnables ont été élaborés afin de faire respecter la présente loi, les obligations qu'elle impose aux organismes gouvernementaux et aux institutions de la Législature sont assujetties aux limitations raisonnables et nécessaires qu'exigent les circonstances.

Limitation des obligations

**8** (1) Le lieutenant-gouverneur en conseil peut, par règlement :

Règlements



- (a) designating public service agencies for the purpose of the definition of "government agency"; 
- (b) amending the Schedule by adding areas to it;
- (c) designating government agencies and institutions of the Legislature for the purposes of subsection 5 (1);
- (d) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so and where the exemption does not derogate from the general purpose and intent of this Act.

Repeal of  
s. 8 (1) (c)

(2) Clause (1) (c) is repealed three years after this Act comes into force.

Public service  
agencies;  
limited  
designation

**9.**—(1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation.

Consent of  
university

(2) A regulation made under this Act that applies to a university is not effective without the university's consent.

Notice and  
comment re  
exempting  
regulation,  
etc.

**10.**—(1) This section applies to a regulation,

- (a) exempting a service under clause 8 (1) (d);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

Idem

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs.



- ➡
- a) désigner des organismes offrant des services publics, aux fins de la définition du terme «organisme gouvernemental»;
  - b) modifier l'annexe en y ajoutant des régions;
  - c) désigner des organismes gouvernementaux et des institutions de la Législature pour l'application du paragraphe 5 (1);
  - d) exempter des services de l'application des articles 2 et 5 si, de l'avis du lieutenant-gouverneur en conseil, cette mesure s'avère raisonnable et nécessaire et si elle ne porte pas atteinte à l'objet général de la présente loi. ⬆

(2) L'alinéa (1) c) est abrogé trois ans après l'entrée en vigueur de la présente loi.

Abrogation  
de l'alinéa  
(1) c)

**9** (1) Le règlement qui désigne un organisme offrant des services publics peut restreindre le champ d'application de la désignation de sorte que celle-ci ne porte que sur des services précis que fournit l'organisme, ou préciser les services qui sont exclus de la désignation.

Désignation  
restreinte de  
l'organisme  
offrant des  
services  
publics

(2) Le règlement pris en application de la présente loi et qui s'applique à une université n'entre pas en vigueur sans le consentement de l'université.

Consentement  
de  
l'université

**10** (1) Le présent article s'applique au règlement :

- a) visant à exempter un service aux termes de l'alinéa 8 (1) d);
- b) visant à révoquer la désignation d'un organisme offrant des services publics;
- c) visant à modifier un règlement qui désigne un organisme offrant des services publics de manière à exclure ou à soustraire un service de la portée de la désignation.

Avis et obser-  
vations tou-  
chant le  
règlement  
d'exemption,  
etc.

(2) Le règlement visé au présent article ne peut être pris qu'après l'écoulement d'un délai d'au moins quarante-cinq jours suivant la publication, dans la *Gazette de l'Ontario* et dans un journal généralement lu en Ontario, d'un avis énonçant la substance du règlement proposé et invitant le public à adresser ses observations au ministre délégué aux Affaires francophones.

Idem



Idem

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.

Program  
for the  
designation  
of public  
service  
agencies

**11.** The Lieutenant Governor in Council shall establish a program for the purpose of encouraging non-profit corporations and similar entities to consent to their designation as public service agencies before subsection 5 (1) as re-enacted by subsection 5 (2) comes into force.

Responsible  
Minister

**12.—**(1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act.

Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) investigate and respond to public complaints respecting the provision of French language services;
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission;
- (f) refer matters to the Ontario French Language Services Commission for its report and recommendations within such times as the Minister specifies,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act.

(3) Après l'expiration du délai de quarante-cinq jours, le lieutenant-gouverneur en conseil peut prendre sans avis additionnel le règlement qui comporte, le cas échéant, les changements jugés souhaitables. Idem

**11** Le lieutenant-gouverneur en conseil met sur pied un programme visant à encourager les personnes morales à but non lucratif et les organisations semblables à donner leur consentement à leur désignation en tant qu'organismes offrant des services publics avant l'entrée en vigueur du paragraphe 5 (1) tel qu'il est adopté de nouveau par le paragraphe 5 (2). Programme visant à la désignation des organismes offrant des services publics

**12** (1) Le ministre délégué aux Affaires francophones est chargé de l'application de la présente loi. Ministre

(2) Le ministre élabore et coordonne la politique et les programmes du gouvernement en ce qui concerne les affaires francophones et la prestation des services en français. À ces fins, il peut : Fonctions

- a) préparer et recommander les projets, les politiques et les priorités du gouvernement en ce qui concerne la prestation des services en français;
- b) coordonner, contrôler et surveiller la mise sur pied des programmes du gouvernement visant à la prestation des services en français par les organismes gouvernementaux et des programmes concernant l'emploi de la langue française;
- c) formuler des recommandations relativement au financement des programmes du gouvernement visant à la prestation des services en français;
- d) faire enquête sur les plaintes des membres du public en ce qui concerne la prestation des services en français et répondre à ces plaintes;
- e) exiger que des projets gouvernementaux visant à la mise en oeuvre de la présente loi soient élaborés et présentés et impartir des délais relatifs à leur élaboration et à leur présentation;
- f) renvoyer des questions devant la Commission des services en français de l'Ontario afin qu'elle fasse rapport et formule des recommandations dans les délais qu'il précise.

Le ministre remplit également les fonctions qui lui sont assignées par décret ou par une autre loi.

Annual  
report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Office for  
Francophone  
Affairs  
R.S.O. 1980,  
c. 418

**13.** Such employees as are considered necessary shall be appointed under the *Public Service Act* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs.

French  
language  
services  
co-ordinators  
Committee

**14.—(1)** A French language services co-ordinator shall be appointed for each ministry of the government.

(2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs.

Communi-  
cation

(3) Each French language services co-ordinator may communicate directly with his or her deputy minister.

Deputy  
minister

(4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry.

Ontario  
French  
Language  
Services  
Commission

**15.—(1)** The Ontario French Language Services Commission is established and consists of,

- (a) a chairman who shall be a full-time member appointed by the Lieutenant Governor in Council for a term of three years;
- (b) four part-time members who shall be appointed by the Lieutenant Governor in Council for a term of three years; and
- (c) the senior official of the Office of Francophone Affairs, who shall be a member by virtue of the office, but shall not have a vote.

Term of  
replacement

(2) If the seat of the chairman or a part-time member becomes vacant, it shall be filled for the unexpired portion of the term.

Function of  
Commission

(3) The Commission may,

- (a) review the availability and quality of French language services and make recommendations for their improvement;



(3) À la fin de chaque exercice, le ministre présente au lieutenant-gouverneur en conseil un rapport sur les affaires de l'Office des affaires francophones. Il dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la prochaine session.

Rapport  
annuel

**13** Les employés qui sont jugés nécessaires pour remplir les fonctions du ministre sont nommés en vertu de la *Loi sur la fonction publique*. L'ensemble de ces employés constitue l'Office des affaires francophones.

Office  
des affaires  
francophones  
L.R.O. 1980,  
chap. 418

**14** (1) Un coordonnateur des services en français est nommé au sein de chaque ministère du gouvernement.

Coordon-  
nateurs des  
services en  
français

(2) Les coordonnateurs des services en français constituent un comité que préside le fonctionnaire principal de l'Office des affaires francophones.

Comité

(3) Chaque coordonnateur des services en français peut communiquer directement avec son sous-ministre.

Communi-  
cation

(4) Chaque sous-ministre rend compte au Conseil des ministres de la mise en oeuvre de la présente loi et de la qualité des services en français dans le ministère.

Sous-  
ministre

**15** (1) La Commission des services en français de l'Ontario est créée. Elle se compose des membres suivants :

Commission  
des services  
en français

- a) le président, qui est membre à temps plein, nommé par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- b) quatre membres à temps partiel, qui sont nommés par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- c) le fonctionnaire principal de l'Office des affaires francophones, qui est membre d'office, mais n'a pas droit de vote.

(2) Si le poste du président ou d'un membre à temps partiel devient vacant, un remplaçant est nommé pour le reste de la durée du mandat.

Vacance au  
sein de la  
Commission

(3) La Commission peut :

Fonctions de  
la Commis-  
sion

- a) examiner la disponibilité et la qualité des services en français et faire des recommandations en vue de leur amélioration;



- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Commission information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;
- (d) recommend changes in the plans of government agencies for the provision of French language services and make the plans and recommendations public;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d) and make the recommendations public,

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly.

Recommendations

(4) The relevant recommendations of the Commission shall be taken into consideration in the making of decisions under this Act and are admissible in evidence in a proceeding.

Responsible to Minister

(5) The Commission is responsible to the Minister responsible for Francophone Affairs.

Staff

R.S.O. 1980,  
c. 418

(6) Such employees as are considered necessary shall be appointed under the *Public Service Act* for the performance of the Commission's functions.

Annual report

(7) The Commission shall, after the close of each fiscal year, submit an annual report upon the affairs of the Commission to the Speaker of the Legislative Assembly who shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Dissolution of Commission

(8) The Commission is dissolved three years after the coming into force of this section and thereafter the functions of the Commission under subsection (3) shall be performed by the Office of Francophone Affairs.

- b) recommander la désignation des organismes offrant des services publics et l'ajout à l'annexe de régions désignées;
- c) exiger que des personnes morales à but non lucratif et des organisations semblables ainsi que des établissements, des foyers, des maisons et des collèges visés à la définition du terme «organisme gouvernemental» lui fournissent des renseignements qui peuvent être pertinents en ce qui concerne la formulation de recommandations au sujet de leur désignation en tant qu'organismes offrant des services publics;
- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français et informer le public des projets et de ses recommandations;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d) et informer le public de ces recommandations.

La Commission remplit également les fonctions qui lui sont assignées par le ministre délégué aux Affaires francophones, le Conseil des ministres ou l'Assemblée législative.

(4) Lorsqu'une décision est prise aux termes de la présente loi, il est tenu compte des recommandations pertinentes de la Commission. Ces recommandations constituent une preuve admissible lors d'une instance.

Recommandations

(5) La Commission relève du ministre.

La Commission relève du ministre

(6) Les employés qui sont jugés nécessaires pour remplir les fonctions de la Commission sont nommés en vertu de la *Loi sur la fonction publique*.

Personnel

L.R.O. 1980, chap. 418

(7) À la fin de chaque exercice, la Commission présente au président de l'Assemblée législative son rapport annuel. Le président dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la session suivante.

Rapport annuel

(8) La Commission est dissoute trois ans après l'entrée en vigueur du présent article. À partir de cette dissolution, les fonctions de la Commission visées au paragraphe (3) sont remplies par l'Office des affaires francophones.

La Commission est dissoute

Re-enactment  
of  
s. 15 (3) (d,  
e)

(9) Clauses (3) (d) and (e) are repealed three years after the coming into force of this section and the following substituted therefor:

(d) recommend changes in the plans of government agencies for the provision of French language services;

(e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d).

Municipal  
by-laws re  
official  
languages

**16.**—(1) The council of a municipality that is in an area designated in the Schedule may pass a by-law providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages.

Right to  
services in  
English and  
French

(2) When a by-law referred to in subsection (1) is in effect, a person has the right to communicate in English or French with any office of the municipality, and to receive available services to which the by-law applies, in either language.

Metropolitan  
and regional  
councils

(3) Where an area designated in the Schedule is in a metropolitan or regional municipality and the council of a municipality in the area passes a by-law under subsection (1), the council of the metropolitan or regional municipality may also pass a by-law under subsection (1) in respect of its administration and services.

Commence-  
ment

**17.** This Act comes into force on the day it receives Royal Assent.

Short title

**18.** The short title of this Act is the *French Language Services Act, 1986*.

(9) Les alinéas (3) d) et e) sont abrogés trois ans après l'entrée en vigueur du présent article et remplacés par ce qui suit :

Nouvelle  
adoption  
des alinéas  
15 (3) d), e)

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d).



**16** (1) Le conseil d'une municipalité située dans une région désignée à l'annexe peut adopter un règlement prévoyant que l'administration de la municipalité se fera en français et en anglais et que les services municipaux au public, ou une partie précisée de ces services, seront fournis dans ces deux langues.

Règlements  
municipaux  
portant sur  
les langues  
officielles

(2) Lorsqu'un règlement municipal visé au paragraphe (1) est en vigueur, chacun a droit à l'emploi du français ou de l'anglais pour communiquer avec tout bureau de la municipalité et pour recevoir les services visés par le règlement.

Droit aux ser-  
vices en fran-  
çais et en  
anglais

(3) Si une région désignée à l'annexe fait partie d'une municipalité régionale ou de communauté urbaine et que le conseil d'une municipalité situé dans la région adopte un règlement en vertu du paragraphe (1), le conseil de la municipalité régionale ou de communauté urbaine peut également adopter un tel règlement en ce qui concerne son administration et ses services.

Conseils  
régionaux et  
de commu-  
nauté  
urbaine

**17** La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en  
vigueur

**18** Le titre abrégé de la présente loi est *Loi de 1986 sur les services en français*.

Titre abrégé



## SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
Municipality of Metropolitan Toronto	All
Regional Municipality of Hamilton-Wentworth	City of Hamilton
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Ottawa-Carleton	All
Regional Municipality of Peel	City of Mississauga
Regional Municipality of Sudbury	All
County of Dundas	<u>Township of Winchester</u>
County of Essex	City of Windsor  Towns of: Belle River and Tecumseh Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Prescott	All
County of Renfrew	City of Pembroke Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All
District of Kenora	Township of Ignace

## ANNEXE

MUNICIPALITÉ OU DISTRICT	RÉGION
Municipalité de la communauté urbaine de Toronto	La totalité
Municipalité régionale de Hamilton-Wentworth	La cité de Hamilton
Municipalité régionale de Niagara	Les cités suivantes : Port Colborne et Welland
Municipalité régionale d'Ottawa-Carleton	La totalité
Municipalité régionale de Peel	La cité de Mississauga
Municipalité régionale de Sudbury	La totalité
Comté de Dundas	<u>Le canton de Winchester</u>
Comté d'Essex	La cité de Windsor Les villes suivantes : Belle River et Tecumseh Les cantons suivants : Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West et Rochester
Comté de Glengarry	La totalité
Comté de Kent	La ville de Tilbury Les cantons suivants : Dover et Tilbury East
Comté de Prescott	La totalité
Comté de Renfrew	La cité de Pembroke Les cantons suivants : Stafford et Westmeath
Comté de Russell	La totalité
Comté de Simcoe	La ville de Penetanguishene Les cantons suivants : Tiny et Essa
Comté de Stormont	La totalité
District d'Algoma	La totalité
District de Cochrane	La totalité
District de Kenora	Le canton d'Ignace

District of Nipissing	All
District of Sudbury	All
District of Thunder Bay	Town of Geraldton Townships of: Longlac, Manitouwadge, Marathon, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All

District de Nipissing	La totalité
District de Sudbury	La totalité
District de Thunder Bay	La ville de Geraldton Les cantons suivants : Longlac, Manitouwadge, Marathon, Beardmore, Nakina et Terrace Bay
District de Timiskaming	La totalité





# Bill 8

*(Chapter 45  
Statutes of Ontario, 1986)*

## **An Act to provide for French Language Services in the Government of Ontario**

**The Hon. B. Grandmaître**  
*Minister responsible for  
Francophone Affairs*

# Projet de loi 8

*(Chapitre 45  
Lois de l'Ontario de 1986)*

## **Loi assurant la prestation de services en français par le gouvernement de l'Ontario**

**L'honorable B. Grandmaître**  
*ministre délégué aux  
Affaires francophones*

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<i>1st Reading</i>	May 1st, 1986
<i>2nd Reading</i>	July 9th, 1986
<i>3rd Reading</i>	November 18th, 1986
<i>Royal Assent</i>	November 18th, 1986

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<i>1<sup>re</sup> lecture</i>	1 <sup>er</sup> mai 1986
<i>2<sup>e</sup> lecture</i>	9 juillet 1986
<i>3<sup>e</sup> lecture</i>	18 novembre 1986
<i>sanction royale</i>	18 novembre 1986

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**Bill 8****1986****An Act to provide for  
French Language Services in  
the Government of Ontario****Preamble**

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Definitions****1. In this Act,**

"organisme  
gouverne-  
mental"

"government agency" means,

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,

**Projet de loi 8****1986****Loi assurant la prestation  
de services en français par  
le gouvernement de l'Ontario**

Attendu que la langue française a joué en Ontario un rôle historique et honorable, et que la Constitution lui reconnaît le statut de langue officielle au Canada; attendu que cette langue jouit, en Ontario, du statut de langue officielle devant les tribunaux et dans l'éducation; attendu que l'Assemblée législative reconnaît l'apport du patrimoine culturel de la population francophone et désire le sauvegarder pour les générations à venir; et attendu qu'il est souhaitable de garantir l'emploi de la langue française dans les institutions de la Législature et du gouvernement de l'Ontario, comme le prévoit la présente loi;

Préambule

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

**1 Les définitions qui suivent s'appliquent à la présente loi.**

Définitions

«organisme gouvernemental» S'entend des organismes suivants :

«government agency»

- a) un ministère du gouvernement de l'Ontario, sauf que les établissements psychiatriques, les foyers et les collèges d'arts appliqués et de technologie administrés par un ministère ne sont pas inclus, à moins d'être désignés par les règlements en tant qu'organismes offrant des services publics;
- b) un conseil, une commission ou une personne morale dont la majorité des membres ou des administrateurs sont nommés par le lieutenant-gouverneur en conseil;
- c) une personne morale à but non lucratif ou une organisation semblable, qui fournit un service au public, reçoit des subventions qui sont prélevées sur les



R.S.O. 1980,  
cc. 320, 202

- (d) a nursing home as defined in the *Nursing Homes Act* or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

1984, c. 55

- (e) a service provider as defined in the *Child and Family Services Act, 1984* or a board as defined in the *District Welfare Administration Boards Act* that is designated as a public service agency by the regulations,

R.S.O. 1980,  
c. 122

R.S.O. 1980,  
c. 303

and does not include a municipality, or a local board as defined in the *Municipal Affairs Act*, other than a local board that is designated under clause (e).

“service”

“service” means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose.

Provision  
of services  
in French

**2.** The Government of Ontario shall ensure that services are provided in French in accordance with this Act.

Use of  
English  
or French in  
Legislative  
Assembly

**3.—**(1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly.

Bills and  
Acts of the  
Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French.

Translation  
of Statutes

**4.—**(1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990.

Enactment

(2) The Attorney General shall present the translations referred to in subsection (1) to the Legislative Assembly for enactment.

Translation  
of regulations

(3) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers

deniers publics, et est désignée par les règlements en tant qu'organisme offrant des services publics;

- d) une maison de soins infirmiers au sens de la *Loi sur les maisons de soins infirmiers* ou un foyer de soins spéciaux au sens de la *Loi sur les foyers de soins spéciaux* qui sont désignés par les règlements en tant qu'organismes offrant des services publics; L.R.O. 1980, chap. 320, 202
- e) un fournisseur de services au sens de la *Loi de 1984 sur les services à l'enfance et à la famille* ou une commission au sens de la *Loi sur les commissions de district pour l'administration de l'aide sociale* qui sont désignés par les règlements en tant qu'organismes offrant des services publics. 1984, chap. 55  
L.R.O. 1980, chap. 122

Sont exclus les municipalités, de même que les conseils locaux au sens de la *Loi sur les affaires municipales*, à l'exception des conseils locaux qui sont désignés aux termes de l'alinéa e).

L.R.O. 1980, chap. 303

«service» Service ou procédure qu'un organisme gouvernemental ou une institution de la Législature fournit au public. S'entend en outre des communications faites en vue de fournir le service ou la procédure.

«service»

**2** Le gouvernement de l'Ontario assure la prestation des services en français conformément à la présente loi.

Prestation des services en français

**3** (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et les autres travaux de l'Assemblée législative.

Droit d'employer le français ou l'anglais à l'Assemblée

(2) Les projets de loi de caractère public de l'Assemblée qui sont présentés après le 1<sup>er</sup> janvier 1991 sont présentés et adoptés en français et en anglais.

Projets de loi et lois de l'Assemblée

**4** (1) Le procureur général fait traduire en français, avant le 31 décembre 1991, un recueil, mis à jour, des lois de caractère public et général qui ont été adoptées de nouveau au moyen des Lois refondues de l'Ontario de 1980 ou qui ont été adoptées en anglais seulement après l'entrée en vigueur des Lois refondues de l'Ontario de 1980, et qui demeurent en vigueur le 31 décembre 1990.

Traduction des lois

(2) Le procureur général présente à l'Assemblée législative les traductions visées au paragraphe (1) afin qu'elle les adopte.

Adoption

(3) Le procureur général fait traduire en français les règlements dont il estime la traduction appropriée et recommande

Traduction des règlements

appropriate and shall recommend the translations to the Executive Council or other regulation-making authority for adoption.

Right to  
services in  
French

**5.**—(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature that is designated by the regulations, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Re-enactment  
of s. 5 (1)

(2) Subsection (1) is repealed three years after it comes into force and the following substituted therefor:

Right to  
services  
in French

(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Duplication  
of services

(3) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French.

Idem

(4) If one or more offices are designated under subsection (3), subsection (1) does not apply in respect of the service provided by the other offices in the designated area.

Existing  
practice  
protected

**6.** This Act shall not be construed to limit the use of the English or French language outside of the application of this Act.

Limitation  
of  
obligations  
of  
government  
agencies, etc.

**7.** The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.

Regulations

**8.**—(1) The Lieutenant Governor in Council may make regulations,



les traductions au Conseil des ministres ou à l'autorité compétente afin que le Conseil ou l'autorité les adopte.

**5** (1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature désignés par les règlements et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(2) Le paragraphe (1) est abrogé trois ans après son entrée en vigueur et remplacé par ce qui suit :

Nouvelle adoption du par. 5 (1)

(1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(3) Lorsque le même service est fourni par plus d'un bureau dans une région désignée, le lieutenant-gouverneur en conseil peut désigner un ou plusieurs des bureaux afin qu'ils fournissent le service en français, s'il est d'avis que le public de la région désignée bénéficiera ainsi d'un accès raisonnable au service en français.

Duplication des services

(4) Si un ou plusieurs bureaux sont désignés en vertu du paragraphe (3), le paragraphe (1) ne s'applique pas à l'égard du service offert par les autres bureaux de la région désignée.

Idem

**6** La présente loi n'a pour effet de porter atteinte à l'utilisation ni de la langue française ni de la langue anglaise hors du champ d'application de la présente loi.

Pratique existante

**7** Si toutes les mesures raisonnables ont été prises et que tous les projets raisonnables ont été élaborés afin de faire respecter la présente loi, les obligations qu'elle impose aux organismes gouvernementaux et aux institutions de la Législature sont assujetties aux limitations raisonnables et nécessaires qu'exigent les circonstances.

Limitation des obligations

**8** (1) Le lieutenant-gouverneur en conseil peut, par règlement :

Règlements



- (a) designating public service agencies for the purpose of the definition of "government agency";
- (b) amending the Schedule by adding areas to it;
- (c) designating government agencies and institutions of the Legislature for the purposes of subsection 5 (1);
- (d) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so and where the exemption does not derogate from the general purpose and intent of this Act.

Repeal of  
s. 8 (1) (c)

(2) Clause (1) (c) is repealed three years after this Act comes into force.

Public service  
agencies;  
limited  
designation

**9.**—(1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation.

Consent of  
university

(2) A regulation made under this Act that applies to a university is not effective without the university's consent.

Notice and  
comment re  
exempting  
regulation,  
etc.

**10.**—(1) This section applies to a regulation,

- (a) exempting a service under clause 8 (1) (d);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

Idem

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs.

- a) désigner des organismes offrant des services publics, aux fins de la définition du terme «organisme gouvernemental»;
- b) modifier l'annexe en y ajoutant des régions;
- c) désigner des organismes gouvernementaux et des institutions de la Législature pour l'application du paragraphe 5 (1);
- d) exempter des services de l'application des articles 2 et 5 si, de l'avis du lieutenant-gouverneur en conseil, cette mesure s'avère raisonnable et nécessaire et si elle ne porte pas atteinte à l'objet général de la présente loi.

(2) L'alinéa (1) c) est abrogé trois ans après l'entrée en vigueur de la présente loi.

Abrogation  
de l'alinéa  
8 (1) c)

**9** (1) Le règlement qui désigne un organisme offrant des services publics peut restreindre le champ d'application de la désignation de sorte que celle-ci ne porte que sur des services précis que fournit l'organisme, ou préciser les services qui sont exclus de la désignation.

Désignation  
restreinte de  
l'organisme  
offrant des  
services  
publics

(2) Le règlement pris en application de la présente loi et qui s'applique à une université n'entre pas en vigueur sans le consentement de l'université.

Consentement  
de  
l'université

**10** (1) Le présent article s'applique au règlement :

Avis et obser-  
vations tou-  
chant le  
règlement  
d'exemption,  
etc.

- a) visant à exempter un service aux termes de l'alinéa 8 (1) d);
- b) visant à révoquer la désignation d'un organisme offrant des services publics;
- c) visant à modifier un règlement qui désigne un organisme offrant des services publics de manière à exclure ou à soustraire un service de la portée de la désignation.

(2) Le règlement visé au présent article ne peut être pris qu'après l'écoulement d'un délai d'au moins quarante-cinq jours suivant la publication, dans la *Gazette de l'Ontario* et dans un journal généralement lu en Ontario, d'un avis énonçant la substance du règlement proposé et invitant le public à adresser ses observations au ministre délégué aux Affaires francophones.

Idem

Idem

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.

Program  
for the  
designation  
of public  
service  
agencies

**11.** The Lieutenant Governor in Council shall establish a program for the purpose of encouraging non-profit corporations and similar entities to consent to their designation as public service agencies before subsection 5 (1) as re-enacted by subsection 5 (2) comes into force.

Responsible  
Minister

**12.—(1)** The Minister responsible for Francophone Affairs is responsible for the administration of this Act.

Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) investigate and respond to public complaints respecting the provision of French language services;
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission;
- (f) refer matters to the Ontario French Language Services Commission for its report and recommendations within such times as the Minister specifies,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act.



(3) Après l'expiration du délai de quarante-cinq jours, le lieutenant-gouverneur en conseil peut prendre sans avis additionnel le règlement qui comporte, le cas échéant, les changements jugés souhaitables. Idem

**11** Le lieutenant-gouverneur en conseil met sur pied un programme visant à encourager les personnes morales à but non lucratif et les organisations semblables à donner leur consentement à leur désignation en tant qu'organismes offrant des services publics avant l'entrée en vigueur du paragraphe 5 (1) tel qu'il est adopté de nouveau par le paragraphe 5 (2). Programme visant à la désignation des organismes offrant des services publics

**12** (1) Le ministre délégué aux Affaires francophones est chargé de l'application de la présente loi. Ministre

(2) Le ministre élabore et coordonne la politique et les programmes du gouvernement en ce qui concerne les affaires francophones et la prestation des services en français. À ces fins, il peut : Fonctions

- a) préparer et recommander les projets, les politiques et les priorités du gouvernement en ce qui concerne la prestation des services en français;
- b) coordonner, contrôler et surveiller la mise sur pied des programmes du gouvernement visant à la prestation des services en français par les organismes gouvernementaux et des programmes concernant l'emploi de la langue française;
- c) formuler des recommandations relativement au financement des programmes du gouvernement visant à la prestation des services en français;
- d) faire enquête sur les plaintes des membres du public en ce qui concerne la prestation des services en français et répondre à ces plaintes;
- e) exiger que des projets gouvernementaux visant à la mise en oeuvre de la présente loi soient élaborés et présentés et impartir des délais relatifs à leur élaboration et à leur présentation;
- f) renvoyer des questions devant la Commission des services en français de l'Ontario afin qu'elle fasse rapport et formule des recommandations dans les délais qu'il précise.

Le ministre remplit également les fonctions qui lui sont assignées par décret ou par une autre loi.



Annual  
report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Office for  
Francophone  
Affairs  
R.S.O. 1980,  
c. 418

**13.** Such employees as are considered necessary shall be appointed under the *Public Service Act* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs.

French  
language  
services  
co-ordinators  
Committee

**14.—**(1) A French language services co-ordinator shall be appointed for each ministry of the government.

(2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs.

Communi-  
cation

(3) Each French language services co-ordinator may communicate directly with his or her deputy minister.

Deputy  
minister

(4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry.

Ontario  
French  
Language  
Services  
Commission

**15.—**(1) The Ontario French Language Services Commission is established and consists of,

- (a) a chairman who shall be a full-time member appointed by the Lieutenant Governor in Council for a term of three years;
- (b) four part-time members who shall be appointed by the Lieutenant Governor in Council for a term of three years; and
- (c) the senior official of the Office of Francophone Affairs, who shall be a member by virtue of the office, but shall not have a vote.

Term of  
replacement

(2) If the seat of the chairman or a part-time member becomes vacant, it shall be filled for the unexpired portion of the term.

Function of  
Commission

(3) The Commission may,

- (a) review the availability and quality of French language services and make recommendations for their improvement;

(3) À la fin de chaque exercice, le ministre présente au lieutenant-gouverneur en conseil un rapport sur les affaires de l'Office des affaires francophones. Il dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la prochaine session.

Rapport  
annuel

**13** Les employés qui sont jugés nécessaires pour remplir les fonctions du ministre sont nommés en vertu de la *Loi sur la fonction publique*. L'ensemble de ces employés constitue l'Office des affaires francophones.

Office  
des affaires  
francophones  
L.R.O. 1980,  
chap. 418

**14** (1) Un coordonnateur des services en français est nommé au sein de chaque ministère du gouvernement.

Coordon-  
nateurs des  
services en  
français

(2) Les coordonnateurs des services en français constituent un comité que préside le fonctionnaire principal de l'Office des affaires francophones.

Comité

(3) Chaque coordonnateur des services en français peut communiquer directement avec son sous-ministre.

Communi-  
cation

(4) Chaque sous-ministre rend compte au Conseil des ministres de la mise en oeuvre de la présente loi et de la qualité des services en français dans le ministère.

Sous-  
ministre

**15** (1) La Commission des services en français de l'Ontario est créée. Elle se compose des membres suivants :

Commission  
des services  
en français

- a) le président, qui est membre à temps plein, nommé par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- b) quatre membres à temps partiel, qui sont nommés par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- c) le fonctionnaire principal de l'Office des affaires francophones, qui est membre d'office, mais n'a pas droit de vote.

(2) Si le poste du président ou d'un membre à temps partiel devient vacant, un remplaçant est nommé pour le reste de la durée du mandat.

Vacance au  
sein de la  
Commission

(3) La Commission peut :

Fonctions de  
la Commis-  
sion

- a) examiner la disponibilité et la qualité des services en français et faire des recommandations en vue de leur amélioration;

- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Commission information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;
- (d) recommend changes in the plans of government agencies for the provision of French language services and make the plans and recommendations public;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d) and make the recommendations public,

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly.

Recommendations

(4) The relevant recommendations of the Commission shall be taken into consideration in the making of decisions under this Act and are admissible in evidence in a proceeding.

Responsible to Minister

(5) The Commission is responsible to the Minister responsible for Francophone Affairs.

Staff

R.S.O. 1980,  
c. 418

(6) Such employees as are considered necessary shall be appointed under the *Public Service Act* for the performance of the Commission's functions.

Annual report

(7) The Commission shall, after the close of each fiscal year, submit an annual report upon the affairs of the Commission to the Speaker of the Legislative Assembly who shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Dissolution of Commission

(8) The Commission is dissolved three years after the coming into force of this section and thereafter the functions of the Commission under subsection (3) shall be performed by the Office of Francophone Affairs.



- b) recommander la désignation des organismes offrant des services publics et l'ajout à l'annexe de régions désignées;
- c) exiger que des personnes morales à but non lucratif et des organisations semblables ainsi que des établissements, des foyers, des maisons et des collèges visés à la définition du terme «organisme gouvernemental» lui fournissent des renseignements qui peuvent être pertinents en ce qui concerne la formulation de recommandations au sujet de leur désignation en tant qu'organismes offrant des services publics;
- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français et informer le public des projets et de ses recommandations;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d) et informer le public de ces recommandations.

La Commission remplit également les fonctions qui lui sont assignées par le ministre délégué aux Affaires francophones, le Conseil des ministres ou l'Assemblée législative.

(4) Lorsqu'une décision est prise aux termes de la présente loi, il est tenu compte des recommandations pertinentes de la Commission. Ces recommandations constituent une preuve admissible lors d'une instance.

Recommandations

(5) La Commission relève du ministre.

La Commission relève du ministre  
Personnel

(6) Les employés qui sont jugés nécessaires pour remplir les fonctions de la Commission sont nommés en vertu de la *Loi sur la fonction publique*.

L.R.O. 1980,  
chap. 418

(7) À la fin de chaque exercice, la Commission présente au président de l'Assemblée législative son rapport annuel. Le président dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la session suivante.

Rapport annuel

(8) La Commission est dissoute trois ans après l'entrée en vigueur du présent article. À partir de cette dissolution, les fonctions de la Commission visées au paragraphe (3) sont remplies par l'Office des affaires francophones.

La Commission est dissoute



Re-enactment of s. 15 (3) (d, e) (9) Clauses (3) (d) and (e) are repealed three years after the coming into force of this section and the following substituted therefor:

(d) recommend changes in the plans of government agencies for the provision of French language services;

(e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d).

Municipal by-laws re official languages

**16.**—(1) The council of a municipality that is in an area designated in the Schedule may pass a by-law providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages.

Right to services in English and French

(2) When a by-law referred to in subsection (1) is in effect, a person has the right to communicate in English or French with any office of the municipality, and to receive available services to which the by-law applies, in either language.

Metropolitan and regional councils

(3) Where an area designated in the Schedule is in a metropolitan or regional municipality and the council of a municipality in the area passes a by-law under subsection (1), the council of the metropolitan or regional municipality may also pass a by-law under subsection (1) in respect of its administration and services.

Commencement

**17.** This Act comes into force on the day it receives Royal Assent.

Short title

**18.** The short title of this Act is the *French Language Services Act, 1986*.

(9) Les alinéas (3) d) et e) sont abrogés trois ans après l'entrée en vigueur du présent article et remplacés par ce qui suit :

Nouvelle  
adoption  
des alinéas  
15 (3) d), e)

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d).

**16** (1) Le conseil d'une municipalité située dans une région désignée à l'annexe peut adopter un règlement prévoyant que l'administration de la municipalité se fera en français et en anglais et que les services municipaux au public, ou une partie précisée de ces services, seront fournis dans ces deux langues.

Règlements  
municipaux  
portant sur  
les langues  
officielles

(2) Lorsqu'un règlement municipal visé au paragraphe (1) est en vigueur, chacun a droit à l'emploi du français ou de l'anglais pour communiquer avec tout bureau de la municipalité et pour recevoir les services visés par le règlement.

Droit aux ser-  
vices en fran-  
çais et en  
anglais

(3) Si une région désignée à l'annexe fait partie d'une municipalité régionale ou de communauté urbaine et que le conseil d'une municipalité situé dans la région adopte un règlement en vertu du paragraphe (1), le conseil de la municipalité régionale ou de communauté urbaine peut également adopter un tel règlement en ce qui concerne son administration et ses services.

Conseils  
régionaux et  
de commu-  
nauté  
urbaine

**17** La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en  
vigueur

**18** Le titre abrégé de la présente loi est *Loi de 1986 sur les services en français*.

Titre abrégé

## SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
Municipality of Metropolitan Toronto	All
Regional Municipality of Hamilton-Wentworth	City of Hamilton
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Ottawa-Carleton	All
Regional Municipality of Peel	City of Mississauga
Regional Municipality of Sudbury	All
County of Dundas	Township of Winchester
County of Essex	City of Windsor  Towns of: Belle River and Tecumseh Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Prescott	All
County of Renfrew	City of Pembroke Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All
District of Kenora	Township of Ignace

## ANNEXE

MUNICIPALITÉ OU DISTRICT	RÉGION
Municipalité de la communauté urbaine de Toronto	La totalité
Municipalité régionale de Hamilton-Wentworth	La cité de Hamilton
Municipalité régionale de Niagara	Les cités suivantes : Port Colborne et Welland
Municipalité régionale d'Ottawa-Carleton	La totalité
Municipalité régionale de Peel	La cité de Mississauga
Municipalité régionale de Sudbury	La totalité
Comté de Dundas	Le canton de Winchester
Comté d'Essex	La cité de Windsor Les villes suivantes : Belle River et Tecumseh Les cantons suivants : Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West et Rochester
Comté de Glengarry	La totalité
Comté de Kent	La ville de Tilbury Les cantons suivants : Dover et Tilbury East
Comté de Prescott	La totalité
Comté de Renfrew	La cité de Pembroke Les cantons suivants : Stafford et Westmeath
Comté de Russell	La totalité
Comté de Simcoe	La ville de Penetanguishene Les cantons suivants : Tiny et Essa
Comté de Stormont	La totalité
District d'Algoma	La totalité
District de Cochrane	La totalité
District de Kenora	Le canton d'Ignace



District of Nipissing	All
District of Sudbury	All
District of Thunder Bay	Town of Geraldton Townships of: Longlac, Manitouwadge, Marathon, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All

District de Nipissing	La totalité
District de Sudbury	La totalité
District de Thunder Bay	La ville de Geraldton Les cantons suivants : Longlac, Manitouwadge, Marathon, Beardmore, Nakina et Terrace Bay
District de Timiskaming*	La totalité









# Bill 9

## **An Act to establish the Ministry of Skills Development**

**The Hon. G. Sorbara**  
*Minister of Skills Development*

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*1st Reading*      April 22nd, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

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#### EXPLANATORY NOTE

The Bill establishes the Ministry of Skills Development. The Ministry's objectives are set out in section 4 of the Bill.

**Bill 9**

**1986**

## **An Act to establish the Ministry of Skills Development**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Definitions

“Deputy Minister” means the Deputy Minister of Skills Development;

“Minister” means the Minister of Skills Development;

“Ministry” means the Ministry of Skills Development.

**2.** There shall be a ministry of the public service to be known as the Ministry of Skills Development.

Ministry  
established

**3.** The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Minister to  
have charge

**4.—(1)** The Ministry shall develop and implement policies, programs and activities as may be appropriate,

Objectives  
of Ministry

- (a) to develop and upgrade skills which will enhance the employability of individuals;
- (b) to contribute to Ontario's economic growth by helping employers achieve their skills development goals;
- (c) to improve access to training and employment opportunities for employed and unemployed individuals, including persons with special needs and targeted groups that encounter particular employment barriers;



- (d) to co-ordinate institutional and on-the-job training programs in order to increase training effectiveness and efficiency; and
- (e) to heighten awareness of and appreciation for the economic and social benefits of improved skills training and employment mobility.

Grants, etc.

(2) The Minister, out of moneys appropriated therefor by the Legislature, may make grants and loans and provide other financial assistance to implement the policies, programs and activities of the Ministry.

Adminis-  
tration  
of Acts

5. The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to the Minister by the Legislature or the Lieutenant Governor in Council.

Deputy  
Minister

6.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Skills Development who shall be the deputy head of the Ministry.

Idem

(2) The Minister may assign or delegate duties to the Deputy Minister and the Deputy Minister shall perform such duties under the direction of the Minister.

Delegation  
of powers  
and duties

7.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Contracts  
and  
agreements  
R.S.O. 1980,  
c. 147

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Protection  
from  
personal  
liability

8.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Crown  
liability  
R.S.O. 1980,  
c. 393

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be

subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

**9.—**(1) The Minister may require a recipient of financial assistance under this Act to submit to the Minister a statement prepared by a person licensed under the *Public Accountancy Act* that sets out the details of the disposition of the financial assistance by the recipient.

Accounting statement related to financial assistance  
R.S.O. 1980, c. 405

(2) Where the Minister requires a statement under subsection (1), the recipient shall arrange for the preparation of the statement forthwith and provide the statement as soon as practicable.

Idem

(3) If a recipient fails to comply with subsection (2) the Minister may, upon request, inspect any document or record relating to financial assistance given by the Ministry.

Inspection of financial records

(4) Where an inspection is being carried out under subsection (3), no person shall prevent the Minister or a person acting under the Minister's authority from seeing a document or record or otherwise interfere with the inspection.

Offence

**10.—**(1) The Lieutenant Governor in Council may agree to guarantee, guarantee and set the terms for the payment of any loan or loans or any part thereof, together with interest thereon, made to a person pursuant to a Ministry program.

Guarantee of loans

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario or by such other officer or officers as are designated by the Lieutenant Governor in Council, and upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon according to the terms of the guarantee.

Form of guarantee

(3) Where a guarantee is given under subsection (1), the Lieutenant Governor in Council may authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee.

Payment of interest

(4) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

Payment of guarantee

Offence

**11.**—(1) No person shall in respect of a grant, loan or other financial assistance,

- (a) knowingly make a false statement or misrepresentation in an application or other document;
- (b) wilfully furnish any false or misleading information; or
- (c) expend or commit the whole or part of the grant, loan or other financial assistance, for a purpose other than the purpose for which the grant, loan or other financial assistance was given.

Return  
of money

(2) Where an offence is committed under subsection (1), the amount of the grant, loan or other financial assistance, together with interest thereon, shall be deemed to be a debt due to the Crown and may be recovered by an action in a court of competent jurisdiction.

Penalty

**12.**—(1) Every person who knowingly contravenes subsection 9 (2) or (4) or subsection 11 (1) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Idem

(2) Notwithstanding subsection (1), where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000.

Seal

**13.**—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so reproduced, has the same effect as if manually affixed.

References  
to Ministers  
and  
Ministries

**14.**—(1) A reference to the Minister of Municipal Affairs and Housing and the Minister of Colleges and Universities, as the case may be, in any Act listed in the Schedule or in any regulation, order in council, ministerial order, act or thing made or done under any such Act, shall be deemed to be a reference to the Minister of Skills Development so long as the Minister administers such Act, and a reference therein to the Ministry of Municipal Affairs and Housing and the Ministry of Colleges and Universities shall be deemed to be a reference to the Ministry of Skills Development.



(2) Nothing in this Act invalidates any regulation, ministerial order, act or thing made or done under any Act listed in the Schedule prior to the day this Act receives Royal Assent. Saving

**15.** The Minister shall in each year submit to the Lieutenant Governor in Council a report of the activities and programs of the Ministry for the preceding fiscal year and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual Report

**16.** The Lieutenant Governor in Council may by order amend the Schedule. Amendments to Schedule

**17.** This Act shall be deemed to have come into force on the 1st day of April, 1985. Commencement

**18.** The short title of this Act is the *Ministry of Skills Development Act, 1986*. Short title



## SCHEDULE

Apprenticeship and Tradesmen's Qualification Act

Ontario Youth Employment Act

# **Bill 10**

## **An Act to amend the Labour Relations Act**

**Mr. Haggerty**

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTE

The purpose of the Bill is to provide a mechanism whereby the Lieutenant Governor in Council can order a sixty-day suspension of a strike or lock-out and order a return to work where the strike or lock-out constitutes an immediate and serious danger to life, health or safety or seriously disrupts the economy of the Province or any area of the Province.

The Bill provides that the Minister of Labour must appoint a conciliation officer where an order suspending a strike or lock-out has been made and may subsequently appoint a conciliation board where the efforts of the conciliation officer to effect a collective agreement are unsuccessful.

If conciliation efforts are unsuccessful, the strike or lock-out may be resumed without a further strike vote.

An order made under the Bill would be enforceable as an order of the Supreme Court.

## Bill 10 1986

### An Act to amend the Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 17 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:**

(3) This section does not apply where an order has been made under subsection 55a (1). Application

**2. The said Act is amended by adding thereto the following section:**

#### SUSPENSION OF STRIKES OR LOCK-OUTS

**55a.—**(1) Where during a strike or lock-out the Lieutenant Governor in Council is of the opinion that the strike or lock-out, Lieutenant Governor in Council may by order suspend a strike or lock-out and order a return to work

(a) constitutes an immediate and serious danger to life, health or safety; or

(b) seriously disrupts the economy of the Province or any area of the Province,

the Lieutenant Governor in Council may order,

(c) a suspension of the strike or lock-out and a return to work for a period not exceeding sixty days in length, commencing on the day next following the date of the order; or

(d) a suspension of the strike or lock-out in respect of designated facilities and services that the Lieutenant Governor in Council determines are necessary or essential to prevent immediate and serious danger to life, health or safety and a return to work with respect to such facilities and services for a period



not exceeding sixty days in length, commencing on the day next following the date of the order.

Appointment  
of concil-  
iation officer  
and concil-  
iation board

(2) Where an order is made under clause (1) (c) or (d), the Minister shall appoint a conciliation officer and may subsequently appoint a conciliation board and sections 18 to 32 apply with necessary modifications to such appointments.

Resumption  
of strike  
or lock-out

(3) The parties may resume the strike or lock-out when,

- (a) the Minister gives a notice to the parties under clause 19 (b);
- (b) a conciliation board report is released under subsection 32 (5); or
- (c) the order made under subsection (1) expires,

whichever occurs first.

Enforcement  
of orders

(4) The Minister may file in the office of the Registrar of the Supreme Court a copy of an order made under subsection (1), in the prescribed form, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable by the Minister or by a trade union or employer affected as a judgment or order of that court.

Limitation  
on orders

(5) The Lieutenant Governor in Council shall not make an order under subsection (1) more than once in respect of the same dispute.

Commence-  
ment

**3. This Act comes into force on the day it receives Royal Assent.**

Short title

**4. The short title of this Act is the *Labour Relations Amendment Act, 1986*.**

# Bill 11

## **An Act respecting the Protection of Rental Housing**

**The Hon. A. Curling**  
*Minister of Housing*

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*1st Reading*      May 5th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

The purpose of the Bill is to prohibit rental residential property from being,

- (a) demolished;
- (b) converted to a condominium;
- (c) converted to a co-operative form of ownership; or
- (d) renovated or repaired if vacant possession of a rental unit would be required,

unless the municipality in which the property is located gives its approval.

The Bill would also prohibit the sale of any interest or share in a co-operative form of ownership of rental residential property if such interest or share grants the exclusive right to possession of any rental unit unless the approval of the municipality has been obtained or the property is exempted by regulation.

The application for approval would be made to the council of the municipality. The procedures and requirements for the processing of the application are set out in section 7.

An appeal from the decision of the council may be made to the Ontario Municipal Board. A party to the Board hearing may further petition to the Lieutenant Governor in Council.

The transitional provisions are set out in section 10.

The Act is repealed on the 15th day May, 1988.

Bill 11

1986

## An Act respecting the Protection of Rental Housing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Definitions

“co-operative” means any co-operative form of ownership of rental residential property where the share or interest therein purports to grant the right to exclusive possession or a right of occupancy of a rental unit;

“Minister” means the Minister of Housing;

“municipality” means a city, town, village or township;

“regulations” means the regulations made under this Act;

“rental residential property” means a building or related group of buildings containing one or more rental units;

“rental unit” means a self-contained living accommodation used or intended for use as rented residential premises.

2. This Act applies to rental residential property, despite any other Act and despite any agreement or waiver to the contrary.

Application  
of Act

3. This Act does not apply to a rental residential property,

Exemption  
from Act

(a) located in a municipality having a population of less than 25,000 unless by regulation the municipality is designated as having a shortage of rental housing;

(b) owned by a non-profit co-operative housing corporation as defined in the *Residential Tenancies Act*; or

R.S.O. 1980,  
c. 452



(c) exempted by the regulations.

Prohibition  
R.S.O. 1980,  
c. 232  
1983, c. 1.

**4.**—(1) Despite section 107 of the *Landlord and Tenant Act* and section 33 of the *Planning Act, 1983*, no rental residential property, or part thereof, shall be,

(a) demolished;

R.S.O. 1980,  
c. 84

(b) converted to a condominium under the *Condominium Act*;

(c) converted to a co-operative; or

(d) renovated or repaired if vacant possession of a rental unit would be required,

by any person unless the council of the municipality in which the property is located approves of such demolition, conversion, repair or renovation.

Power of  
council

(2) The council of a municipality, in respect of an approval sought under clause (1) (b), shall, in place of the Minister, exercise the powers conferred on the Minister under section 50 of the *Condominium Act* (approval or exemption of descriptions).

Prohibition

**5.**—(1) No person shall sell or offer to sell any share or interest in a co-operative unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Exemption  
re:  
transfer

(2) This section does not apply to the transfer of an interest or share in a co-operative that is exempted by the regulations.

Consequences  
of  
contravention

(3) An agreement or conveyance entered into in contravention of subsection (1) does not create or convey any interest in land.

Prohibition  
respecting  
notices of  
termination

**6.**—(1) No landlord shall serve a notice of termination on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Consequences  
of  
contravention

(2) A notice of termination served in contravention of subsection (1) is of no effect.

Restriction  
re: writ of  
possession

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued by any court in respect of an application under section 107 of the said Act

unless the approval of the council of the municipality under subsection 4 (1) has first been obtained by the landlord.

7.—(1) An application for an approval under this Act shall be made in writing to the clerk of the municipality and shall contain such information as may be required by the municipality for the purpose of evaluating the application or as may be prescribed by regulation.

Application  
for approval

(2) Notice of the application shall be given by the owner of the residential rental property to each tenant of a rental unit in the rental residential property within five days of the application being made.

Notice to  
tenants

(3) The council of the municipality may require an applicant to cause an architect or a professional engineer to make a physical inspection of the rental residential property and to make a report detailing the condition and structural safety of the property or it may require that such an inspection be made and report prepared by its chief building official.

Inspection  
and report

(4) A copy of the report referred to in subsection (3) shall be made available by the municipality for inspection by the public.

Copy of  
report  
to tenant

(5) The council may approve the application, with or without conditions relating to the nature of the application, or reject the application and shall base its decision on criteria prescribed by the regulations.

Power of  
council

(6) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the application.

Information  
and public  
meeting

(7) The meeting mentioned in subsection (6) shall be held not sooner than fifteen days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Time for  
meeting,  
etc.

(8) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provi-

Agreements

R.S.O. 1980,  
cc. 445, 230

sions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Notice of  
decision

(9) Written notice of the decision of the council shall be sent to the applicant and to every person who in writing requested to be given notice of the decision within five days of the making thereof.

Appeal to  
O.M.B.

(10) Where the council refuses or neglects to make a decision on the application within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Ontario Municipal Board and the Board shall hear the appeal and has the same authority as the council under subsection (5).

Appeal of  
decision to  
O.M.B.

(11) Any person who is not satisfied with the decision of the council may, within fifteen days of the making of the decision, appeal to the Ontario Municipal Board and the Board shall hold a hearing.

Full hearing  
not required

(12) Despite subsection (11), the Board may, where it is of the opinion that the objection set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall afford the appellant an opportunity to make representations as to the merits of the appeal.

Certificate  
that approval  
given

(13) When an approval has been given under this section by the municipality, the Ontario Municipal Board or the Lieutenant Governor in Council, as the case may be, the clerk of the municipality shall give a certificate in the form prescribed by regulation to the applicant stating that the approval has been given and the certificate is conclusive evidence that the approval was given.

L. G. in C.  
may confirm,  
vary or  
rescind  
orders

(14) Upon the petition of any party to the hearing filed with the Clerk of the Executive Council within fifteen days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of such order or decision;
- (b) substitute for the decision of the Board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) require the Board to hold a new public hearing of the whole or any part of the application to the



Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (c) is not subject to petition under this section.

(15) Any party who has filed a petition under subsection (14) may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council. Withdrawal  
of petition

(16) No certificate of approval shall be issued until the time for all appeals has passed or until all such appeals have been disposed of, whichever is later. When  
certificate  
of approval  
to be issued

**8.** The council of a municipality may by by-law establish fees for the processing of an application made under this Act, which fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental residential property. Fees

**9.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) designating municipalities having a shortage of rental housing for the purposes of clause 3 (a);
- (b) exempting rental residential properties, or categories thereof, from this Act;
- (c) prescribing the criteria upon which approval may be granted by a municipality under subsection 4 (1);
- (d) prescribing the form and contents of an application under subsection 7 (1);
- (e) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 7 (2);
- (f) prescribing for the purposes of subsection 7 (6), the persons that are to be given notice and the manner in which notice is to be given;
- (g) prescribing the form of the certificate of approval under subsection 7 (13).

**10.—(1)** If a demolition permit or a building permit has been issued prior to the coming into force of this Act, the Transition,  
demolition



approval of the council of a municipality under clause 4 (1) (a) is not required.

Idem,  
condominium  
conversion  
R.S.O. 1980,  
c. 84

(2) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* prior to the coming into force of this Act, the approval of the council of a municipality under subsection 4 (1) is not required.

Idem,  
co-operative  
conversion

(3) If a rental residential property has been partly converted to a co-operative form of ownership, the council, upon the application of an interested person, may by by-law require that interests or shares in the co-operative continue to be offered for sale, under such conditions as may be set out in the by-law, until all such interests or shares have been conveyed.

Offence

**11.** Every person who contravenes section 4 or 5 of this Act is guilty of an offence and on conviction is liable to a fine not exceeding \$50,000 if a corporation and \$20,000 if an individual.

Repeal

**12.** This Act is repealed on the 15th day of May, 1988.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** The short title of this Act is the *Rental Housing Protection Act, 1986*.

# Bill 11

## **An Act respecting the Protection of Rental Housing**

**The Hon. A. Curling**  
*Minister of Housing*

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<i>1st Reading</i>	May 5th, 1986
<i>2nd Reading</i>	July 3rd, 1986
<i>3rd Reading</i>	
<i>Royal Assent</i>	

*(Reprinted as amended by the Committee of the Whole House)*

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## EXPLANATORY NOTES

The purpose of the Bill is to prohibit rental residential property from being,

- (a) demolished;
- (b) converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use;
- (c) converted to a co-operative form of ownership;
- (d) renovated or repaired if vacant possession of a rental unit would be required;  
or
- (e) severed under section 52 of the *Planning Act, 1983*,

unless the municipality in which the property is located gives its approval.

The Bill would also prohibit the sale of any interest or share in a co-operative form of ownership of rental residential property if such interest or share grants the exclusive right to possession of any rental unit unless the approval of the municipality has been obtained or the property is exempted by regulation.

The application for approval would be made to the council of the municipality. The procedures and requirements for the processing of the application are set out in section 7.

An appeal from the decision of the council may be made to the Ontario Municipal Board. A party to the Board hearing may further petition to the Lieutenant Governor in Council.

The transitional provisions are set out in section 10.

The Act is repealed on the 30th day of June, 1988.

Bill 11

1986

## An Act respecting the Protection of Rental Housing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Definitions

“co-operative” means a rental residential property other than a condominium, that is,

- (a) owned or leased or otherwise held by or on behalf of more than one person, where any owner or lessee has the right to present or future exclusive possession of a unit in the rental residential property, or
- (b) owned or leased or otherwise held by a corporation having more than one shareholder or member where any one of the shareholders or members, by reason of owning shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental residential property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Tenancies Act*;

▲ R.S.O. 1980,  
c. 452

“Minister” means the Minister of Housing;


“municipality” means a city, town, village, improvement district or township;

“regulations” means the regulations made under this Act;

“rental residential property” means a building or related group of buildings containing one or more rental units but does not include a condominium;





“rental unit” means any living accommodation which is used as rented residential premises and includes a room in a boarding house or lodging house. 

Application  
of Act

**2.** This Act applies to rental residential property, despite any other Act and despite any agreement or waiver to the contrary.



Exemption  
from Act

**3.** This Act does not apply to a rental residential property exempted by the regulations or located in a municipality that is exempted by the regulations.

Prohibition

**4.—(1)** No rental residential property, or part thereof, shall be,


(a) demolished;

(b) converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use, or any other use for a purpose other than rental residential property;

(c) renovated or repaired if a tenant is in possession of a rental unit and vacant possession of the rental unit would be required or if the rental unit has been vacant for less than one year; or

1983, c. 1

(d) severed under section 52 of the *Planning Act*, 1983,

by any person unless the council of the municipality in which the property is located approves of such demolition, conversion, repair, renovation or severance. 


Power of  
council

(2) The council of a municipality, in respect of an approval sought under clause (1) (b), shall, in place of the Minister, exercise the powers conferred on the Minister under section 50 of the *Condominium Act* (approval or exemption of descriptions).

R.S.O. 1980,  
c. 84



Prohibition

**5.—(1)** No person shall sell, lease for a term of twenty-one years or more, or enter into an agreement to sell or lease an interest or share in a co-operative or in a corporation owning or leasing any interest in a co-operative unless the approval of the council of the municipality under subsection 4 (1) has first been obtained. 

Exemption  
re:  
transfer

(2) This section does not apply to the transfer of an interest or share in a co-operative that is exempted by the regulations.



(3) An agreement or conveyance entered into in contravention of subsection (1) is void and any amount paid thereunder is recoverable by the purchaser.

Consequences  
of  
contravention

(4) An instrument or notice respecting the sale, lease or agreement for sale of a share or interest in a co-operative may contain a statement by the vendor that an agreement or conveyance does not contravene this section and such statement is deemed to be sufficient proof that the agreement or conveyance does not contravene this section.

Statement

**6.**—(1) No landlord shall serve a notice of termination on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has first been obtained and a copy of the certificate under subsection 7 (13) is attached to the notice.

Prohibition  
respecting  
notices of  
termination

(2) A notice of termination served in contravention of subsection (1) is of no effect.

Consequences  
of  
contravention

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued by any court in respect of an application under section 107 of the said Act, notwithstanding that the notice of termination was served or application made for a writ of possession prior to the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has first been obtained by the landlord.

Restriction  
re: writ of  
possession

**7.**—(1) An application for an approval under this Act shall be made in writing to the clerk of the municipality and shall contain such information as may be prescribed by regulation.

Application  
for approval

(2) Notice of the application shall be given by the owner of the residential rental property to each tenant of a rental unit in the rental residential property within five days of the application being made.

Notice to  
tenants


(3) The council of the municipality may require an applicant to cause an architect or a professional engineer to make a physical inspection of the rental residential property and to make a report detailing the condition and structural safety of the property or it may require that such an inspection be made and report prepared by its chief building official.

Inspection  
and report



(4) For the purposes of an inspection under subsection (3), a person authorized to inspect a rental unit has the right to enter the rental unit during daylight hours upon written notice to the tenant specifying the time of entry at least twenty-four


Entry for  
inspection

hours before the time of entry, and a tenant shall permit the entry of such person during that time. 

Copy of  
report  
made  
available

(5) A copy of the report referred to in subsection (3) shall be made available by the municipality for inspection by the public.

Power of  
council

(6) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed by the regulations are met. 

Information  
and public  
meeting

(7) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the application.

Time for  
meeting,  
etc.

(8) The meeting mentioned in subsection (7) shall be held not sooner than fifteen days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Agreements

(9) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,  
cc. 445, 230

Notice of  
decision

(10) Written notice of the decision of the council shall be sent to the applicant and to every person who in writing requested to be given notice of the decision within five days of the making thereof.

Appeal to  
O.M.B.

(11) Where the council refuses or neglects to make a decision on the application filed in accordance with this Act within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal of  
decision to  
O.M.B.

(12) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the decision, appeal to the Ontario Municipal Board by filing with



the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection.

(13) If an application respecting a matter set out in section 4 or 5 has been made to the Ontario Municipal Board prior to the coming into force of this Act, this Act applies unless the Board has issued its decision. Transition

(14) The clerk of the municipality, upon receipt of a notice of appeal under subsection (11) or (12), shall compile a record and forward the notice of appeal and the record to the secretary of the Board and shall provide such information or material as the Board may require in respect of the appeal. Record

(15) The Board shall hold a hearing and has the same authority as the council under subsection (6) but if all appeals have been withdrawn prior to the hearing, the decision of the council is final and binding and the secretary of the Board shall notify the clerk of the municipality who in turn shall notify the applicant. Hearing

(16) When an approval has been given under this section by the municipality, the Ontario Municipal Board or the Lieutenant Governor in Council, as the case may be, the clerk of the municipality shall give a certificate in the form prescribed by regulation to the applicant stating that the approval has been given and the certificate is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with, and after the certificate has been given no action may be maintained to question the validity of the approval, but where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled. Certificate that approval given

(17) Upon the petition of any party to the hearing filed with the Clerk of the Executive Council within fifteen days after the date of any decision of the Board, the Lieutenant Governor in Council may, L. G. in C. may confirm, vary or rescind orders

- (a) confirm, vary or rescind the whole or any part of such decision;
- (b) substitute for the decision of the Board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) require the Board to hold a new public hearing of the whole or any part of the application to the



Board upon which such decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (c) is not subject to petition under this section.

Withdrawal  
of petition

(18) Any party who has filed a petition under subsection (17) may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

When  
certificate  
of approval  
to be issued

(19) No certificate of approval shall be issued until the time for all appeals has passed or until all such appeals have been disposed of, whichever is later.


Fees

8. The council of a municipality may by by-law establish fees for the processing of an application made under this Act, which fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental residential property.

Regulations

9. The Lieutenant Governor in Council may make regulations,



- (a) exempting a municipality, or part thereof, from this Act;
- (b) exempting rental units or rental residential properties, or categories thereof, from this Act; 
- (c) prescribing the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1);
- (d) prescribing the form and contents of an application under subsection 7 (1);
- (e) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 7 (2);
- (f) prescribing for the purposes of subsection 7 (7), the persons that are to be given notice and the manner in which notice is to be given;
- (g) prescribing the form of the certificate of approval under subsection 7 (16);

- ↓
- (h) exempting sales of co-operative units, or any category thereof, from any of the provisions of the Act. ↑

↓

**10.**—(1) If all permits required under the *Building Code Act* and the *Planning Act*, 1983 for a demolition, renovation or repair have been obtained prior to the coming into force of this Act, the approval of council under subsection 4 (1) is not required and section 6 does not apply. ↑

Transition  
R.S.O. 1980,  
c. 51  
1983, c. 1

(2) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the *Ontario Municipal Board* has issued a decision approving an application for conversion prior to the coming into force of this Act, the approval of the council of a municipality under subsection 4 (1) is not required.

Idem,  
condominium  
conversion  
R.S.O. 1980,  
c. 84

↓

**11.** Every person who contravenes section 4 or 5 or subsection 6 (1) and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention of section 4 or 5 or subsection 6 (1) by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Offence

**12.**—(1) Subsection 47 (1) of the *Land Titles Act*, being chapter 230 of the *Revised Statutes of Ontario*, 1980, is amended by adding thereto the following paragraph:

14. The provision of section 5 of the *Rental Housing Protection Act*, 1986.

1986, c. 26

(2) Paragraph 14 of subsection 47 (1) of the said Act, as made by subsection (1), is repealed on the 30th day of June, 1988.

**13.** This Act, except subsection 12 (2), is repealed on the 30th day of June, 1988. ↑

**14.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**15.** The short title of this Act is the *Rental Housing Protection Act*, 1986.

Short title



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# Bill 11

*(Chapter 26  
Statutes of Ontario, 1986)*

## **An Act respecting the Protection of Rental Housing**

**The Hon. A. Curling**  
*Minister of Housing*

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<i>1st Reading</i>	May 5th, 1986
<i>2nd Reading</i>	July 3rd, 1986
<i>3rd Reading</i>	July 10th, 1986
<i>Royal Assent</i>	July 10th, 1986

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Bill 11

1986

## An Act respecting the Protection of Rental Housing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

### Definitions

“co-operative” means a rental residential property other than a condominium, that is,

- (a) owned or leased or otherwise held by or on behalf of more than one person, where any owner or lessee has the right to present or future exclusive possession of a unit in the rental residential property, or
- (b) owned or leased or otherwise held by a corporation having more than one shareholder or member where any one of the shareholders or members, by reason of owning shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental residential property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Tenancies Act*;

R.S.O. 1980,  
c. 452

“Minister” means the Minister of Housing;

“municipality” means a city, town, village, improvement district or township;

“regulations” means the regulations made under this Act;

“rental residential property” means a building or related group of buildings containing one or more rental units but does not include a condominium;



“rental unit” means any living accommodation which is used as rented residential premises and includes a room in a boarding house or lodging house.

Application  
of Act

**2.** This Act applies to rental residential property, despite any other Act and despite any agreement or waiver to the contrary.

Exemption  
from Act

**3.** This Act does not apply to a rental residential property exempted by the regulations or located in a municipality that is exempted by the regulations.

Prohibition

**4.—(1)** No rental residential property, or part thereof, shall be,

- (a) demolished;
- (b) converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use, or any other use for a purpose other than rental residential property;
- (c) renovated or repaired if a tenant is in possession of a rental unit and vacant possession of the rental unit would be required or if the rental unit has been vacant for less than one year; or

1983, c. 1

- (d) severed under section 52 of the *Planning Act, 1983*,

by any person unless the council of the municipality in which the property is located approves of such demolition, conversion, repair, renovation or severance.

Power of  
council

(2) The council of a municipality, in respect of an approval sought under clause (1) (b), shall, in place of the Minister, exercise the powers conferred on the Minister under section 50 of the *Condominium Act* (approval or exemption of descriptions).

R.S.O. 1980,  
c. 84

Prohibition

**5.—(1)** No person shall sell, lease for a term of twenty-one years or more, or enter into an agreement to sell or lease an interest or share in a co-operative or in a corporation owning or leasing any interest in a co-operative unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Exemption  
re:  
transfer

(2) This section does not apply to the transfer of an interest or share in a co-operative that is exempted by the regulations.

(3) An agreement or conveyance entered into in contravention of subsection (1) is void and any amount paid thereunder is recoverable by the purchaser.

Consequences  
of  
contravention

(4) An instrument or notice respecting the sale, lease or agreement for sale of a share or interest in a co-operative may contain a statement by the vendor that an agreement or conveyance does not contravene this section and such statement is deemed to be sufficient proof that the agreement or conveyance does not contravene this section.

Statement

6.—(1) No landlord shall serve a notice of termination on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has first been obtained and a copy of the certificate under subsection 7 (16) is attached to the notice.

Prohibition  
respecting  
notices of  
termination  
R.S.O. 1980,  
c. 232

(2) A notice of termination served in contravention of subsection (1) is of no effect.

Consequences  
of  
contravention

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued by any court in respect of an application under section 107 of the said Act, notwithstanding that the notice of termination was served or application made for a writ of possession prior to the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has first been obtained by the landlord.

Restriction  
re: writ of  
possession

7.—(1) An application for an approval under this Act shall be made in writing to the clerk of the municipality and shall contain such information as may be prescribed by regulation.

Application  
for approval

(2) Notice of the application shall be given by the owner of the residential rental property to each tenant of a rental unit in the rental residential property within five days of the application being made.

Notice to  
tenants

(3) The council of the municipality may require an applicant to cause an architect or a professional engineer to make a physical inspection of the rental residential property and to make a report detailing the condition and structural safety of the property or it may require that such an inspection be made and report prepared by its chief building official.

Inspection  
and report

(4) For the purposes of an inspection under subsection (3), a person authorized to inspect a rental unit has the right to enter the rental unit during daylight hours upon written notice to the tenant specifying the time of entry at least twenty-four

Entry for  
inspection

hours before the time of entry, and a tenant shall permit the entry of such person during that time.

Copy of  
report  
made  
available

(5) A copy of the report referred to in subsection (3) shall be made available by the municipality for inspection by the public.

Power of  
council

(6) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed by the regulations are met.

Information  
and public  
meeting

(7) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the application.

Time for  
meeting,  
etc.

(8) The meeting mentioned in subsection (7) shall be held not sooner than fifteen days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Agreements

(9) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,  
cc. 445, 230

Notice of  
decision

(10) Written notice of the decision of the council shall be sent to the applicant and to every person who in writing requested to be given notice of the decision within five days of the making thereof.

Appeal to  
O.M.B.

(11) Where the council refuses or neglects to make a decision on the application filed in accordance with this Act within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal of  
decision to  
O.M.B.

(12) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the decision, appeal to the Ontario Municipal Board by filing with



the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection.

(13) If an application respecting a matter set out in section 4 or 5 has been made to the Ontario Municipal Board prior to the coming into force of this Act, this Act applies unless the Board has issued its decision. Transition

(14) The clerk of the municipality, upon receipt of a notice of appeal under subsection (11) or (12), shall compile a record and forward the notice of appeal and the record to the secretary of the Board and shall provide such information or material as the Board may require in respect of the appeal. Record

(15) The Board shall hold a hearing and has the same authority as the council under subsection (6) but if all appeals have been withdrawn prior to the hearing, the decision of the council is final and binding and the secretary of the Board shall notify the clerk of the municipality who in turn shall notify the applicant. Hearing

(16) When an approval has been given under this section by the municipality, the Ontario Municipal Board or the Lieutenant Governor in Council, as the case may be, the clerk of the municipality shall give a certificate in the form prescribed by regulation to the applicant stating that the approval has been given and the certificate is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with, and after the certificate has been given no action may be maintained to question the validity of the approval, but where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled. Certificate that approval given

(17) Upon the petition of any party to the hearing filed with the Clerk of the Executive Council within fifteen days after the date of any decision of the Board, the Lieutenant Governor in Council may, L. G. in C. may confirm, vary or rescind orders

- (a) confirm, vary or rescind the whole or any part of such decision;
- (b) substitute for the decision of the Board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) require the Board to hold a new public hearing of the whole or any part of the application to the



Board upon which such decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (c) is not subject to petition under this section.

Withdrawal  
of petition

(18) Any party who has filed a petition under subsection (17) may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

When  
certificate  
of approval  
to be issued

(19) No certificate of approval shall be issued until the time for all appeals has passed or until all such appeals have been disposed of, whichever is later.

Fees

**8.** The council of a municipality may by by-law establish fees for the processing of an application made under this Act, which fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental residential property.

Regulations

**9.** The Lieutenant Governor in Council may make regulations,

- (a) exempting a municipality, or part thereof, from this Act;
- (b) exempting rental units or rental residential properties, or categories thereof, from this Act;
- (c) prescribing the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1);
- (d) prescribing the form and contents of an application under subsection 7 (1);
- (e) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 7 (2);
- (f) prescribing for the purposes of subsection 7 (7), the persons that are to be given notice and the manner in which notice is to be given;
- (g) prescribing the form of the certificate of approval under subsection 7 (16);

- (h) exempting sales of co-operative units, or any category thereof, from any of the provisions of this Act.

**10.**—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained prior to the coming into force of this Act, the approval of council under subsection 4 (1) is not required and section 6 does not apply.

Transition  
R.S.O. 1980,  
c. 51  
1983, c. 1

(2) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion prior to the coming into force of this Act, the approval of the council of a municipality under subsection 4 (1) is not required.

Idem,  
condominium  
conversion  
R.S.O. 1980,  
c. 84

**11.** Every person who contravenes section 4 or 5 or subsection 6 (1) and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention of section 4 or 5 or subsection 6 (1) by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Offence

**12.**—(1) Subsection 47 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

14. The provision of section 5 of the *Rental Housing Protection Act, 1986*.

1986, c. 26

(2) Paragraph 14 of subsection 47 (1) of the said Act, as enacted by subsection (1), is repealed on the 30th day of June, 1988.

**13.** This Act, except subsection 12 (2), is repealed on the 30th day of June, 1988.

**14.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**15.** The short title of this Act is the *Rental Housing Protection Act, 1986*.

Short title









# Bill 12

## **An Act to amend the Compensation for Victims of Crime Act**

**The Hon. I. Scott**

*Attorney General*

---

*1st Reading*      May 6th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

**SECTION 1.—Subsection 1.** A provision that a Board may hold a hearing *in camera* when the hearing would be prejudicial to the trial of the accused is amended to refer to the criminal proceedings concerning the accused.

**Subsection 2.** The proposed amendment would provide that a Board may hold a hearing *in camera* when the case before it involves child abuse and the Board believes that it would not be in the interests of the child for the hearing to be public.

**SECTION 2.** Section 14 provides for the ordering, under certain circumstances, of interim payments in respect of maintenance and medical expenses. The Bill extends those interim payments to funeral expenses as well.

**SECTION 3.—Subsection 1.** Subsection 17 (2) of the Act provides that the Board may refuse to make an order for compensation if the applicant refused co-operation with or failed to report the offence promptly to a law enforcement agency. The amendment would allow the Board to reduce the amount of compensation in these circumstances as well.

**Subsection 2.** Subsection 17 (3) of the Act provides that in assessing pecuniary loss, the Board shall take into consideration any benefit, compensation or indemnity payable to the applicant from any source. The amendment provides that general welfare assistance and family benefits payments are not to be considered.

**SECTION 4.—Subsections 1 and 2.** The maximum awards for one victim are increased from \$15,000 to \$25,000 for a lump sum award and from \$500 to \$1,000 per month for periodic payments.

**Subsections 3 and 4.** The maximum awards for one occurrence is increased from \$100,000 to \$150,000 for lump sum payments and from a total of \$175,000 to a total of \$250,000 for periodic payments.

**SECTION 5.—Subsection 1.** The subrogated claims provision of the Act is amended to allow the Board to bring an action in the name of the Crown to recover the amount paid to its victim.

**Subsection 2.** Self-explanatory.

Bill 12

1986

## An Act to amend the Compensation for Victims of Crime Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—**(1) Clause 12 (a) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) would be prejudicial to the final disposition of the criminal proceedings against the person whose act or omission caused the injury or death; or

(2) Clause 12 (b) of the said Act is amended by adding at the end thereof “or child abuse”.

**2.** Section 14 of the said Act is amended by striking out “and medical expenses” in the sixth and seventh lines and inserting in lieu thereof “medical expenses and funeral expenses”.

**3.—**(1) Subsection 17 (2) of the said Act is amended by inserting after “compensation” in the second line “or order a reduced amount of compensation”.

(2) Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

(3) In assessing compensation, the Board shall take into consideration any benefit, compensation or indemnity paid or payable to the applicant from any source other than general welfare assistance or family benefits. Idem

**4.—**(1) Clause 19 (1) (a) of the said Act is amended by striking out “\$15,000” and inserting in lieu thereof “\$25,000”.



(2) Clause 19 (1) (b) of the said Act is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.

(3) Clause 19 (2) (a) of the said Act is amended by striking out “\$100,000” in the second line and inserting in lieu thereof “\$150,000”.

(4) Clause 19 (2) (b) of the said Act is amended by striking out “\$175,000” in the second line and inserting in lieu thereof “\$250,000”.

5.—(1) Subsection 26 (2) of the said Act is amended by inserting after “of” in the fourth line “Her Majesty in right of Ontario or in the name of”.

(2) Section 26 of the said Act is amended by adding thereto the following subsection:

Person  
to assist

(5) A person awarded compensation shall give the Board such information and co-operation as he or she can furnish to assist the Board in maintaining a subrogated action for damages against the offender who caused the injury or death of the victim.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Compensation for Victims of Crime Amendment Act, 1986*.

# Bill 12

## **An Act to amend the Compensation for Victims of Crime Act**

**The Hon. I. Scott**  
*Attorney General*

*1st Reading*      May 6th, 1986

*2nd Reading*      October 30th, 1986

*3rd Reading*

*Royal Assent*

*(Reprinted as amended by the Committee of the Whole House)*

## EXPLANATORY NOTES

**SECTION 1.—Subsection 1.** A provision that a Board may hold a hearing *in camera* when the hearing would be prejudicial to the trial of the accused is amended to refer to the criminal proceedings concerning the accused.

**Subsection 2.** The proposed amendment would provide that a Board may hold a hearing *in camera* when the case before it involves child abuse and the Board believes that it would not be in the interests of the child for the hearing to be public.

**SECTION 2.** Section 14 provides for the ordering, under certain circumstances, of interim payments in respect of maintenance and medical expenses. The Bill extends those interim payments to funeral expenses as well.

**SECTION 3.—Subsection 1.** Subsection 17 (2) of the Act provides that the Board may refuse to make an order for compensation if the applicant refused co-operation with or failed to report the offence promptly to a law enforcement agency. The amendment would allow the Board to reduce the amount of compensation in these circumstances as well.

**Subsection 2.** Subsection 17 (3) of the Act provides that in assessing pecuniary loss, the Board shall take into consideration any benefit, compensation or indemnity payable to the applicant from any source. The amendment provides that general welfare assistance and family benefits payments are not to be considered.

**SECTION 4.—Subsections 1 and 2.** The maximum awards for one victim are increased from \$15,000 to \$25,000 for a lump sum award and from \$500 to \$1,000 per month for periodic payments.

**Subsections 3 and 4.** The maximum awards for one occurrence is increased from \$100,000 to \$150,000 for lump sum payments and from a total of \$175,000 to a total of \$250,000 for periodic payments.

**SECTION 5.—Subsection 1.** The subrogated claims provision of the Act is amended to allow the Board to bring an action in the name of the Crown to recover the amount paid to its victim.

**Subsection 2.** Self-explanatory.

**Bill 12**

**1986**

**An Act to amend the  
Compensation for Victims of Crime Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** Clause 12 (a) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) would be prejudicial to the final disposition of the criminal proceedings against the person whose act or omission caused the injury or death; or

(2) Clause 12 (b) of the said Act is amended by adding at the end thereof “or child abuse”.

**2.** Section 14 of the said Act is amended by striking out “and medical expenses” in the sixth and seventh lines and inserting in lieu thereof “medical expenses and funeral expenses”.

**3.—(1)** Subsection 17 (2) of the said Act is amended by inserting after “compensation” in the second line “or order a reduced amount of compensation”.

(2) Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

(3) In assessing compensation, the Board shall take into consideration any benefit, compensation or indemnity paid or payable to the applicant from any source other than general welfare assistance or family benefits. <sup>Idem</sup>

**4.—(1)** Clause 19 (1) (a) of the said Act is amended by striking out “\$15,000” and inserting in lieu thereof “\$25,000”.



(2) Clause 19 (1) (b) of the said Act is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.

(3) Clause 19 (2) (a) of the said Act is amended by striking out “\$100,000” in the second line and inserting in lieu thereof “\$150,000”.

(4) Clause 19 (2) (b) of the said Act is amended by striking out “\$175,000” in the second line and inserting in lieu thereof “\$250,000”.

5.—(1) Section 26 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The Board may elect to limit the amount for which it is subrogated to the amount of compensation that it has paid in respect of the person whose rights were subrogated by limiting its claim to the amount so paid and, where it so elects, may maintain the action in the name of the Minister. ▲

(2) Section 26 of the said Act is further amended by adding thereto the following subsection:

Person  
to assist

(5) A person awarded compensation shall give the Board such information and co-operation as he or she can furnish to assist the Board in maintaining a subrogated action for damages against the offender who caused the injury or death of the victim.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Compensation for Victims of Crime Amendment Act, 1986*.

# Bill 12

*(Chapter 37  
Statutes of Ontario, 1986)*

## **An Act to amend the Compensation for Victims of Crime Act**

**The Hon. I. Scott**  
*Attorney General*

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<i>1st Reading</i>	May 6th, 1986
<i>2nd Reading</i>	October 30th, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986

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**Bill 12**

**1986**

**An Act to amend the  
Compensation for Victims of Crime Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** Clause 12 (a) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) would be prejudicial to the final disposition of the criminal proceedings against the person whose act or omission caused the injury or death; or

**(2)** Clause 12 (b) of the said Act is amended by adding at the end thereof “or child abuse”.

**2.** Section 14 of the said Act is amended by striking out “and medical expenses” in the sixth and seventh lines and inserting in lieu thereof “medical expenses and funeral expenses”.

**3.—(1)** Subsection 17 (2) of the said Act is amended by inserting after “compensation” in the second line “or order a reduced amount of compensation”.

**(2)** Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

(3) In assessing compensation, the Board shall take into consideration any benefit, compensation or indemnity paid or payable to the applicant from any source other than general welfare assistance or family benefits. Idem

**4.—(1)** Clause 19 (1) (a) of the said Act is amended by striking out “\$15,000” and inserting in lieu thereof “\$25,000”.



(2) Clause 19 (1) (b) of the said Act is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.

(3) Clause 19 (2) (a) of the said Act is amended by striking out “\$100,000” in the second line and inserting in lieu thereof “\$150,000”.

(4) Clause 19 (2) (b) of the said Act is amended by striking out “\$175,000” in the second line and inserting in lieu thereof “\$250,000”.

**5.—(1) Section 26 of the said Act is amended by adding thereto the following subsection:**

Idem

(2a) The Board may elect to limit the amount for which it is subrogated to the amount of compensation that it has paid in respect of the person whose rights were subrogated by limiting its claim to the amount so paid and, where it so elects, may maintain the action in the name of the Minister.

**(2) Section 26 of the said Act is further amended by adding thereto the following subsection:**

Person  
to assist

(5) A person awarded compensation shall give the Board such information and co-operation as he or she can furnish to assist the Board in maintaining a subrogated action for damages against the offender who caused the injury or death of the victim.

Commence-  
ment

**6. This Act comes into force on the day it receives Royal Assent.**

Short title

**7. The short title of this Act is the *Compensation for Victims of Crime Amendment Act, 1986*.**

# Bill 13

## **An Act to amend the Regional Municipality of Sudbury Act and the Education Act**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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*1st Reading*      May 8th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

The purposes of the Bill are to provide for reassessment of all real property in the Regional Area on the same market value basis and to alter the method whereby the Regional Council, the area municipalities, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board levy rates. To accomplish these purposes it is necessary to amend both the *Regional Municipality of Sudbury Act* and the *Education Act*.

**SECTION 1.** This section amends the *Regional Municipality of Sudbury Act*. The amendments are as follows:

1. The proposed section 68 adds new definitions to Part X of the Act which are complementary to the other amendments to Part X contemplated by this Bill.
2. Section 71 authorizes the Regional Council to not only specify annually the amount of money to be raised by each area municipality, but to set one uniform residential and farm mill rate and one uniform commercial mill rate that will be levied by all the area municipalities for purposes of raising the sums required for regional purposes.
3. Section 71a requires The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board to set uniform mill rates to be levied in each area municipality.

The two boards will have the power to direct the area municipalities to levy the rates so set.

4. Section 71b requires an area municipality to adopt uniform mill rates within the area municipality. At present, different merged areas have different mill rates.
5. Sections 71c, 71d and 71e provide for interim financing, before the estimates are adopted in any year, by the Regional Council and the councils of the area municipalities. The Minister will be able to prescribe maximum interim levies and requisitions.
6. Section 72 relates to payments in lieu of taxes and requires the area municipalities to pay to The Regional Municipality of Sudbury a portion of each payment in lieu of taxes that they receive from tax exempt government bodies. The section sets out the rules for determining the amount of the portion.

At present, there is no general requirement that a portion of such payments be paid over to the Regional Corporation. Instead, an equivalent assessment which would have produced the amount of the payment is calculated and included as part of the area municipality's total assessment and that total assessment is used for determining how much of the Regional Corporation's budgeted expenses the area municipality will be required to raise.

7. Section 73 requires each area municipality to pay to the Regional Corporation and The Sudbury Board of Education a portion of the tax on telephone and telegraph receipts received each year by the area municipality. The section sets out the rules for determining the amount of the portion.

At present, there is no such requirement. Instead, as in the case of a payment in lieu of taxes, an equivalent assessment which would have produced the amount of such taxes is calculated and included as part of each area municipality's total assessment.

8. Section 73a provides for the portions in which and the instalment dates on which payments referred to in sections 72 and 73 will be made by the area

municipalities to the Regional Corporation and The Sudbury Board of Education.

9. Section 74 provides for reassessing the whole of the Regional Area on the same market value basis and for updating the reassessment at least once every four years. A mandatory reassessment will be done either in 1987 for purposes of taxation in 1988 or in 1988 for purposes of taxation in 1989.
10. Section 75 authorizes the Minister of Municipal Affairs to make grants to the Regional Corporation or to any area municipality where it is necessary for purposes of reducing undue increases in taxation arising from reassessment.

Section 75 also authorizes the Lieutenant Governor in Council, for purposes of minimizing tax shifts resulting from the reassessment, to make regulations altering the rules used by the District of Sudbury Welfare Administration Board and the Nickel District Conservation Authority for apportioning their budgeted expenses among their constituent municipalities.

**SECTION 2.** This section amends the *Education Act*. The amendments are complementary to the amendments to the *Regional Municipality of Sudbury Act* set out in section 1. Included in these amendments is a provision authorizing the Lieutenant Governor in Council to make regulations providing for the apportionment of the budgeted expenses of The Sudbury District Roman Catholic Separate School Board among its constituent municipalities.

**SECTION 3.** This section states that nothing in the Bill will affect the validity of any interim levy made in 1986 before the Bill receives Royal Assent.





Bill 13

1986

**An Act to amend the  
Regional Municipality of Sudbury Act  
and the Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** Section 68 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**68.** In this Part,

Definitions

“commercial assessment” means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

“rateable property” includes business and other assessment made under the *Assessment Act*;

R.S.O. 1980,  
c. 31

“regional rating by-law” means a by-law passed under subsection 71 (2);

“residential and farm assessment” means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in

clauses (a) and (c) of the definition of "commercial assessment";

"weighted assessment" means for the relevant area the total of,

- (a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and
- (b) the commercial assessment.

**(2) Section 71, as amended by the Statutes of Ontario, 1984, chapter 45, section 12 and sections 72 to 76 of the said Act, are repealed and the following substituted therefor:**

Definition

**71.—**(1) In this section, "total net regional levy" means a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted under section 70; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of the debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Regional  
rating by-law

(2) For purposes of raising the total net regional levy, the Regional Council, on or before the 30th day of June in 1986 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

Determi-  
nation  
of  
commercial  
rate

(3) The rate that the Regional Council shall direct to be levied on commercial assessment under subsection (2) shall be determined by multiplying the total net regional levy by 1,000 and dividing the product by the total of the weighted assessments for all the area municipalities.

Determi-  
nation  
of  
residential  
rate

(4) The rate that the Regional Council shall direct to be levied on the residential and farm assessment under subsection (2) shall be 85 per cent of the rate that it directs to be levied on commercial assessment.

(5) In each year, the council of each area municipality shall levy, in accordance with the regional rating by-law passed for that year, the rates specified in the by-law.

Area  
municipality  
to  
adopt rates

(6) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the total of the weighted assessments for all the area municipalities for purposes of subsection (3).

Tax exempt  
real property

(7) The full value of all rateable property shall be used in determining,

Full value  
to be used

- (a) the rates to be levied under subsections (3) and (4); and
- (b) the assessment on which the levy shall be made under subsection (5),

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980,  
c. 31

(8) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,

Instalment  
and advance  
payments

- (a) may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and
- (b) may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

(9) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

Payment

(10) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per

Default



annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

Extension  
of time

(11) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limit set out in subsection (2) has expired.

Determi-  
nation  
of  
school rates

**71a.**—(1) In each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall determine the rates to be levied by each area municipality to provide the sums required for public, separate and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

Idem

R.S.O. 1980,  
c. 129

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the *Education Act*.

Direction to  
area  
municipalities

(3) On or before the 1st day of March in each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall direct the council of each area municipality to levy the rates determined by the particular Board in respect of the area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levying those rates.

Area  
municipality  
to levy and  
collect

(4) In each year, the council of an area municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the area municipality rateable for public, secondary or separate school purposes, as may be appropriate.

Full value  
to be used

(5) The full value of all applicable rateable property shall be used in determining,

(a) the weighted assessment for each area municipality for purposes of apportioning among the area municipalities the sums required for school purposes by The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board;

(b) the rates mentioned in subsection (1); and

- (c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the *Education Act*,

R.S.O. 1980,  
c. 129

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980,  
c. 31

(6) For the purposes of determining and levying rates for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board, a reference in the *Education Act* to "commercial assessment" or "residential and farm assessment" shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act.

Definitions in  
R.S.O. 1980,  
c. 129, s. 220

(7) Subsection 219 (2) of the *Education Act* does not apply to the determination of rates under subsection (1).

Non-  
application of  
R.S.O. 1980,  
c. 129,  
s. 219 (2)

(8) Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board.

Application  
of  
R.S.O. 1980,  
c. 129

**71b.—(1)** In this section,

Definitions

"area municipality levy" means the amount required for area municipality purposes under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes;

R.S.O. 1980,  
c. 302

"special area municipality levy" means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy.

Area  
municipality  
levies

(3) The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each levy by 1,000 and dividing the product,

Determi-  
nation  
of  
commercial  
mill rates

- (a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and
- (b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.

Determina-  
tion  
of  
residential  
mill rates

(4) The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

Non-  
application of  
R.S.O. 1980,  
c. 302,  
s. 158;  
c. 359, s. 7  
Area  
municipality  
levy

(5) Section 158 of the *Municipal Act* and section 7 of the *Ontario Unconditional Grants Act* do not apply to an area municipality.

(6) A reference in any other Act to a levy by a local municipality under section 158 of the *Municipal Act* shall, with respect to an area municipality, be deemed to be a reference to a levy under this section.

Tax exempt  
real property

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Interim  
financing,  
Regional  
Council

**71c.**—(1) The Regional Council, before the adoption of the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the amount that under subsection 71 (8) was, in the regional rating by-law for the preceding year, specified to be raised in the particular area municipality and subsections 71 (8), (9) and (10) apply with necessary modifications to the amount requisitioned.

Final  
instalment  
reduced

(2) The amount of any requisition made under subsection (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation pursuant to the provision in the regional rating by-law authorized by clause 71 (8) (a).

Interim  
financing,  
area  
municipalities

**71d.**—(1) The council of an area municipality may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial



assessment and on the rateable residential and farm assessment in the area municipality.

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

By-law in  
December of  
preceding  
year

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Determina-  
tion  
of rate

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Assessment  
roll

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 71, 71a and 71b.

Interim levy  
deducted  
from  
final levy

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 71, 71a and 71b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 71, 71a and 71b.

Interim levy  
in excess of  
final levy

(7) The provisions of the *Municipal Act* with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Application  
of  
R.S.O. 1980,  
c. 302

**71e.** Where a direction has been made under subsection 74 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

Power of  
Minister

- (a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 71c (1); and
- (b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 71d (1).



## Definitions

**72.—(1)** In this section,

“payment in lieu of taxes” means an amount that an area municipality is eligible to receive under,

- R.S.O. 1980,  
c. 31 (a) subsection 26 (3), (4) or (5) of the *Assessment Act*,
- R.S.O. 1980,  
c. 209 (b) subsection 7 (6) of the *Housing Development Act*, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,
- R.S.O. 1980,  
c. 302 (c) section 160 and subsection 160a (3) of the *Municipal Act*,
- R.S.O. 1980,  
c. 311 (d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*,
- R.S.O. 1980,  
c. 361 (e) section 42 of the *Ontario Water Resources Act*,
- R.S.O. 1980,  
c. 384 (f) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act,
- 1980-81-  
82-83,  
c. 37 (Can.) (g) the *Municipal Grants Act, 1980* (Canada), or
- (h) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the *Municipal Act*;

“taxes for local purposes” means the taxes levied by an area municipality for local purposes under subsection 71b (2), excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“taxes for regional purposes” means the taxes levied by an area municipality for regional purposes as specified in a regional rating by-law, excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“total taxes for all purposes” means the sum of the amounts levied by an area municipality under sections 71, 71a and 71b, excluding any adjustments under section 32 or 33 of the *Assessment Act*.

(2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total of,

Area municipalities to share payments in lieu of taxes

- (a) the taxes for local purposes for the year; and
- (b) the taxes for regional purposes for the year.

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under,

Sharing of certain payments

- (a) subsection 26 (3), (4) or (5) of the *Assessment Act*; R.S.O. 1980, c. 31
- (b) section 42 of the *Ontario Water Resources Act*; R.S.O. 1980, c. 361
- (c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including the portion payable to a school board in accordance with subsection 46 (9) of that Act; or R.S.O. 1980, c. 384
- (d) the *Municipal Grants Act, 1980* (Canada), 1980-81-82-83, c. 37 (Can.)

and the calculation of the payments is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total taxes for all purposes for the year.

(4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2).

Treasurer to provide estimate of share

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board, the provisions of,

Allocation of payments in lieu of taxes

- (a) subsections 26 (7) and (9) of the *Assessment Act*;
- (b) subsection 7 (10) of the *Housing Development Act*; R.S.O. 1980, c. 209

- (c) subsections 160 (12) and (16) and subsection 160a (4) of the *Municipal Act*; and

R.S.O. 1980,  
c. 302

- (d) subsection 46 (7) of the *Power Corporation Act*,

R.S.O. 1980,  
c. 384

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

Payment of  
portion of  
telephone  
and  
telegraph tax  
R.S.O. 1980,  
c. 302

**73.**—(1) Each area municipality shall pay a portion of the tax levied under subsections 161 (12) and (13) of the *Municipal Act* to the Regional Corporation and The Sudbury Board of Education in the proportion that the taxes levied on commercial assessment in the year for each such body bears to the total taxes on commercial assessment for all purposes other than separate school purposes.

Exclusion of  
taxes added  
to  
collector's  
roll  
R.S.O. 1980,  
c. 31

(2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the *Assessment Act*.

Statement by  
treasurer

(3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and The Sudbury Board of Education showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

Exclusion of  
R.S.O. 1980,  
c. 302, s. 161  
(18-24)

(4) Subsections 161 (18) to (24) of the *Municipal Act* do not apply if payments are made by an area municipality under subsection (1).

Payment of  
payments  
in lieu  
and  
telephone  
and telegraph  
levies

**73a.**—(1) An amount payable by an area municipality to the Regional Corporation under subsection 72 (2) or to the Regional Corporation or The Sudbury Board of Education under subsection 73 (1) is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable in each year on account thereof as follows:

1. A first instalment equal to 19 per cent of the amount payable in the preceding year, on or before the 28th day of February.
2. A second instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of March.



3. A third instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of April.
4. A fourth instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of June.
5. A fifth instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of July.
6. A sixth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1).

Alternative  
payment  
schedule

(3) The Sudbury Board of Education, by agreement each year with a majority of the area municipalities within the Regional Area that represent at least two-thirds of the total weighted assessment for all of the area municipalities, may provide for an alternative number of instalments and due dates thereof other than those provided in subsection (1) which shall be applicable to all area municipalities.

Idem

(4) The amount payable under subsection 72 (2) or 73 (1) by an area municipality shall be credited by the Regional Corporation or school board to its general revenues.

General  
revenues

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time.

Default

(6) Where the total amount paid for the year under subsection (1) exceeds the total amount payable for the year under subsections 72 (2) and 73 (1), the area municipality shall notify the Regional Corporation or the school board, as the case may be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality.

Overpayment



Region-wide  
reassessment

**74.**—(1) If the Minister of Revenue considers that, within any class or classes of real property within the Regional Area, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

- (a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;
- (b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;
- (c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

Application  
of new  
assessment  
roll

(2) If the assessment roll of an area municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

- (a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and
- (b) the assessment roll to be returned for taxation in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

R.S.O. 1980,  
c. 31

Exception

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment

roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the *Assessment Act*.

Status of  
assessment  
roll

R.S.O. 1980,  
c. 31

(5) In 1987 for purposes of taxation in 1988 or in 1988 for purposes of taxation in 1989, the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory  
return of  
updated roll  
in 1987 or  
1988

(6) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory  
return of  
updated roll  
every fourth  
year

(7) Except as provided in subsections (5) and (6), the Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council, by resolution, has requested that a direction be made.

Resolution  
required

(8) Except as provided in subsection (7), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

Provisions of  
R.S.O. 1980,  
c. 31

(9) Subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1986 and subsequent years.

Idem

(10) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Powers on  
appeal

Where  
property  
described  
in class  
prescribed  
under  
subs. (1)

(11) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

No  
amendment  
to  
collector's  
roll  
R.S.O. 1980,  
c. 31

(12) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of \$5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

Table of  
rates for  
pipe lines

(13) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of an area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be a reassessment of all property within that area municipality under subsection 63 (3) of the *Assessment Act*.

Rights of  
appeal  
preserved

(14) Nothing in section 71, 71a or 71b in any way deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 36 (6) of that Act.

Regulations  
may be  
retroactive

(15) A regulation made under subsection (1) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

Minister may  
make grants

**75.—**(1) Where the Minister is of the opinion that property taxes in a municipality may be unduly increased because of changes made to the assessment rolls of area municipalities under a direction under subsection 74 (1), the Minister may make a grant to the Regional Corporation or an area municipality under such terms and conditions as the Minister considers necessary in the circumstances and an area municipality and the Regional Corporation has the authority to apply and shall apply the grant in accordance with the terms and conditions, if any.



(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1987, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Payment out  
of Consol-  
idated  
Revenue  
Fund

(3) If a by-law is passed by an area municipality under subsection 362 (1) of the *Municipal Act*, the by-law may be made applicable to rateable property in any one or more merged areas in the area municipality as though each such merged area were a separate municipality, but nothing in this subsection authorizes an area municipality to charge a reduction in whole or in part pursuant to subclause 362 (1) (c) (iii) of that Act only to one or more merged areas.

Limiting  
increases  
in taxes  
following  
change in  
assessment  
base  
R.S.O. 1980,  
c. 302

(4) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 74 (1), and, in relation to either or both the District of Sudbury Welfare Administration Board and the Nickel District Conservation Authority, the changes directly affect the relative cost sharing responsibility of any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations,

Board  
apportion-  
ments

(a) prescribing an alternative basis, to that specified under the *District Welfare Administration Boards Act*, for apportioning the amounts required by the District of Sudbury Welfare Administration Board from each municipality within the district board area;

R.S.O. 1980,  
c. 122

(b) prescribing an alternative basis, to that specified under the *Conservation Authorities Act*, for apportioning the amounts required by the Nickel District Conservation Authority from each municipality under the conservation authority area,

R.S.O. 1980,  
c. 85

as the case may be.

(5) A regulation made under subsection (4) may be made retroactive to a date not earlier than the 1st day of January of the year in which it is made.

Regulations  
may be  
retroactive

**2.—(1) Section 130 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:**



Non-application

(10) This section does not apply to The Sudbury District Roman Catholic Separate School Board.

**(2) Section 214 of the said Act is amended by adding thereto the following subsection:**

Non-application

(6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Sudbury.

**(3) The said Act is amended by adding thereto the following section:**

Regulations for apportionment, Sudbury District Roman Catholic Separate School Board  
Idem

**214a.**—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by The Sudbury District Roman Catholic Separate School Board for separate school purposes for any year among the municipalities or parts thereof and localities in the district combined separate school zone.

(2) In any year in which a regulation made under subsection (1) is in force, the sums mentioned in that subsection shall be apportioned among the municipalities or parts thereof and localities in the district combined separate school zone in accordance with the regulation.

Where estimated data used

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof, other than an area municipality as defined in the *Regional Municipality of Sudbury Act* or by a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year.

R.S.O. 1980, c. 441

**(4) Section 222 of the said Act is amended by adding thereto the following subsection:**

Non-application

(4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Sudbury.

**(5) Section 225 of the said Act is repealed and the following substituted therefor:**

This Part to prevail where conflict  
R.S.O. 1980, c. 441

**225.** In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the *Regional Municipality of Sudbury Act*, the provision in sections 220 to 224 prevails.

**3.** Nothing in this Act affects the validity of an interim levy made by the Regional Council or by the council of an area municipality under section 74 of the *Regional Municipality of*

*Sudbury Act* as it read before the coming into force of this Act and subsections 71 (8), (9) and (10) and subsection 71c (2) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by the Regional Council in 1986 and subsections 71d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by an area municipality.

4. This Act shall be deemed to have come into force on the 1st day of January, 1986. Commence-  
ment

5. The short title of this Act is the *Regional Municipality of Sudbury Statute Law Amendment Act, 1986*. Short title









# Bill 13

*(Chapter 19  
Statutes of Ontario, 1986)*

## **An Act to amend the Regional Municipality of Sudbury Act and the Education Act**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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<i>1st Reading</i>	May 8th, 1986
<i>2nd Reading</i>	June 11th, 1986
<i>3rd Reading</i>	June 11th, 1986
<i>Royal Assent</i>	June 12th, 1986

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**Bill 13**

**1986**

**An Act to amend the  
Regional Municipality of Sudbury Act  
and the Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Section 68 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**68.** In this Part,

Definitions

“commercial assessment” means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

“rateable property” includes business and other assessment made under the *Assessment Act*;

R.S.O. 1980,  
c. 31

“regional rating by-law” means a by-law passed under subsection 71 (2);

“residential and farm assessment” means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in



clauses (a) and (c) of the definition of "commercial assessment";

"weighted assessment" means for the relevant area the total of,

- (a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and
- (b) the commercial assessment.

**(2) Section 71, as amended by the Statutes of Ontario, 1984, chapter 45, section 12 and sections 72 to 76 of the said Act, are repealed and the following substituted therefor:**

Definition

**71.—(1)** In this section, "total net regional levy" means a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted under section 70; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of the debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Regional  
rating by-law

(2) For purposes of raising the total net regional levy, the Regional Council, on or before the 30th day of June in 1986 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

Determi-  
nation  
of  
commercial  
rate

(3) The rate that the Regional Council shall direct to be levied on commercial assessment under subsection (2) shall be determined by multiplying the total net regional levy by 1,000 and dividing the product by the total of the weighted assessments for all the area municipalities.

Determi-  
nation  
of  
residential  
rate

(4) The rate that the Regional Council shall direct to be levied on the residential and farm assessment under subsection (2) shall be 85 per cent of the rate that it directs to be levied on commercial assessment.

(5) In each year, the council of each area municipality shall levy, in accordance with the regional rating by-law passed for that year, the rates specified in the by-law.

Area  
municipality  
to  
adopt rates

(6) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the total of the weighted assessments for all the area municipalities for purposes of subsection (3).

Tax exempt  
real property

(7) The full value of all rateable property shall be used in determining,

Full value  
to be used

(a) the rates to be levied under subsections (3) and (4); and

(b) the assessment on which the levy shall be made under subsection (5),

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980,  
c. 31

(8) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,

Instalment  
and advance  
payments

(a) may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and

(b) may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

(9) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

Payment

(10) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per

Default

annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

Extension  
of time

(11) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limit set out in subsection (2) has expired.

Determi-  
nation  
of  
school rates

**71a.**—(1) In each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall determine the rates to be levied by each area municipality to provide the sums required for public, separate and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

Idem  
R.S.O. 1980,  
c. 129

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the *Education Act*.

Direction to  
area  
municipalities

(3) On or before the 1st day of March in each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall direct the council of each area municipality to levy the rates determined by the particular Board in respect of the area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levying those rates.

Area  
municipality  
to levy and  
collect

(4) In each year, the council of an area municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the area municipality rateable for public, secondary or separate school purposes, as may be appropriate.

Full value  
to be used

(5) The full value of all applicable rateable property shall be used in determining,

(a) the weighted assessment for each area municipality for purposes of apportioning among the area municipalities the sums required for school purposes by The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board;

(b) the rates mentioned in subsection (1); and



- (c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the *Education Act*,

R.S.O. 1980,  
c. 129

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980,  
c. 31

(6) For the purposes of determining and levying rates for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board, a reference in the *Education Act* to "commercial assessment" or "residential and farm assessment" shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act.

Definitions in  
R.S.O. 1980,  
c. 129, s. 220

(7) Subsection 219 (2) of the *Education Act* does not apply to the determination of rates under subsection (1).

Non-  
application of  
R.S.O. 1980,  
c. 129,  
s. 219 (2)

(8) Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board.

Application  
of  
R.S.O. 1980,  
c. 129

**71b.**—(1) In this section,

Definitions

"area municipality levy" means the amount required for area municipality purposes under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes;

R.S.O. 1980,  
c. 302

"special area municipality levy" means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy.

Area  
municipality  
levies

(3) The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each levy by 1,000 and dividing the product,

Determi-  
nation  
of  
commercial  
mill rates



- (a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and
- (b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.

Determi-  
nation  
of  
residential  
mill rates

(4) The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

Non-  
application of  
R.S.O. 1980,  
c. 302,  
s. 158;  
c. 359, s. 7

(5) Section 158 of the *Municipal Act* and section 7 of the *Ontario Unconditional Grants Act* do not apply to an area municipality.

Area  
municipality  
levy

(6) A reference in any other Act to a levy by a local municipality under section 158 of the *Municipal Act* shall, with respect to an area municipality, be deemed to be a reference to a levy under this section.

Tax exempt  
real property

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Interim  
financing,  
Regional  
Council

**71c.**—(1) The Regional Council, before the adoption of the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the amount that under subsection 71 (8) was, in the regional rating by-law for the preceding year, specified to be raised in the particular area municipality and subsections 71 (8), (9) and (10) apply with necessary modifications to the amount requisitioned.

Final  
instalment  
reduced

(2) The amount of any requisition made under subsection (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation pursuant to the provision in the regional rating by-law authorized by clause 71 (8) (a).

Interim  
financing,  
area  
municipalities

**71d.**—(1) The council of an area municipality may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial

assessment and on the rateable residential and farm assessment in the area municipality.

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

By-law in  
December of  
preceding  
year

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Determi-  
nation  
of rate

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Assessment  
roll

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 71, 71a and 71b.

Interim levy  
deducted  
from  
final levy

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 71, 71a and 71b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 71, 71a and 71b.

Interim levy  
in excess of  
final levy

(7) The provisions of the *Municipal Act* with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Application  
of  
R.S.O. 1980,  
c. 302

**71e.** Where a direction has been made under subsection 74 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

Power of  
Minister

- (a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 71c (1); and
- (b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 71d (1).

## Definitions

**72.—(1)** In this section,

“payment in lieu of taxes” means an amount that an area municipality is eligible to receive under,

- R.S.O. 1980,  
c. 31 (a) subsection 26 (3), (4) or (5) of the *Assessment Act*,
- R.S.O. 1980,  
c. 209 (b) subsection 7 (6) of the *Housing Development Act*, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,
- R.S.O. 1980,  
c. 302 (c) section 160 and subsection 160a (3) of the *Municipal Act*,
- R.S.O. 1980,  
c. 311 (d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*,
- R.S.O. 1980,  
c. 361 (e) section 42 of the *Ontario Water Resources Act*,
- R.S.O. 1980,  
c. 384 (f) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act,
- 1980-81-  
82-83,  
c. 37 (Can.) (g) the *Municipal Grants Act, 1980* (Canada), or
- (h) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the *Municipal Act*;

“taxes for local purposes” means the taxes levied by an area municipality for local purposes under subsection 71b (2), excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“taxes for regional purposes” means the taxes levied by an area municipality for regional purposes as specified in a regional rating by-law, excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“total taxes for all purposes” means the sum of the amounts levied by an area municipality under sections 71, 71a and 71b, excluding any adjustments under section 32 or 33 of the *Assessment Act*.



(2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total of,

Area municipalities to share payments in lieu of taxes

(a) the taxes for local purposes for the year; and

(b) the taxes for regional purposes for the year.

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under,

Sharing of certain payments

(a) subsection 26 (3), (4) or (5) of the *Assessment Act*;

R.S.O. 1980, c. 31

(b) section 42 of the *Ontario Water Resources Act*;

R.S.O. 1980, c. 361

(c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including the portion payable to a school board in accordance with subsection 46 (9) of that Act; or

R.S.O. 1980, c. 384

(d) the *Municipal Grants Act, 1980* (Canada),

1980-81-82-83, c. 37 (Can.)

and the calculation of the payments is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total taxes for all purposes for the year.

(4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2).

Treasurer to provide estimate of share

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board, the provisions of,

Allocation of payments in lieu of taxes

(a) subsections 26 (7) and (9) of the *Assessment Act*;

(b) subsection 7 (10) of the *Housing Development Act*;

R.S.O. 1980, c. 209



R.S.O. 1980,  
c. 302 (c) subsections 160 (12) and (16) and subsection 160a (4) of the *Municipal Act*; and

R.S.O. 1980,  
c. 384 (d) subsection 46 (7) of the *Power Corporation Act*,

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

Payment of  
portion of  
telephone  
and  
telegraph tax  
R.S.O. 1980,  
c. 302

**73.**—(1) Each area municipality shall pay a portion of the tax levied under subsections 161 (12) and (13) of the *Municipal Act* to the Regional Corporation and The Sudbury Board of Education in the proportion that the taxes levied on commercial assessment in the year for each such body bears to the total taxes on commercial assessment for all purposes other than separate school purposes.

Exclusion of  
taxes added  
to  
collector's  
roll  
R.S.O. 1980,  
c. 31

(2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the *Assessment Act*.

Statement by  
treasurer

(3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and The Sudbury Board of Education showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

Exclusion of  
R.S.O. 1980,  
c. 302, s. 161  
(18-24)

(4) Subsections 161 (18) to (24) of the *Municipal Act* do not apply if payments are made by an area municipality under subsection (1).

Payment of  
payments  
in lieu  
and  
telephone  
and telegraph  
levies

**73a.**—(1) An amount payable by an area municipality to the Regional Corporation under subsection 72 (2) or to the Regional Corporation or The Sudbury Board of Education under subsection 73 (1) is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable in each year on account thereof as follows:

1. A first instalment equal to 19 per cent of the amount payable in the preceding year, on or before the 28th day of February.
2. A second instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of March.

3. A third instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of April.
4. A fourth instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of June.
5. A fifth instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of July.
6. A sixth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1).

Alternative  
payment  
schedule

(3) The Sudbury Board of Education, by agreement each year with a majority of the area municipalities within the Regional Area that represent at least two-thirds of the total weighted assessment for all of the area municipalities, may provide for an alternative number of instalments and due dates thereof other than those provided in subsection (1) which shall be applicable to all area municipalities.

Idem

(4) The amount payable under subsection 72 (2) or 73 (1) by an area municipality shall be credited by the Regional Corporation or school board to its general revenues.

General  
revenues

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time.

Default

(6) Where the total amount paid for the year under subsection (1) exceeds the total amount payable for the year under subsections 72 (2) and 73 (1), the area municipality shall notify the Regional Corporation or the school board, as the case may be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality.

Overpayment

Region-wide  
reassessment

**74.**—(1) If the Minister of Revenue considers that, within any class or classes of real property within the Regional Area, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

- (a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;
- (b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;
- (c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

Application  
of new  
assessment  
roll

(2) If the assessment roll of an area municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

- (a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and
- (b) the assessment roll to be returned for taxation in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

R.S.O. 1980,  
c. 31

Exception

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment



roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the *Assessment Act*.

Status of  
assessment  
roll

R.S.O. 1980,  
c. 31

(5) In 1987 for purposes of taxation in 1988 or in 1988 for purposes of taxation in 1989, the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory  
return of  
updated roll  
in 1987 or  
1988

(6) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory  
return of  
updated roll  
every fourth  
year

(7) Except as provided in subsections (5) and (6), the Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council, by resolution, has requested that a direction be made.

Resolution  
required

(8) Except as provided in subsection (7), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

Provisions of  
R.S.O. 1980,  
c. 31

(9) Subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1986 and subsequent years.

Idem

(10) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Powers on  
appeal



Where  
property  
described  
in class  
prescribed  
under  
subs. (1)

(11) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

No  
amendment  
to  
collector's  
roll  
R.S.O. 1980,  
c. 31

(12) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of \$5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

Table of  
rates for  
pipe lines

(13) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of an area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be a reassessment of all property within that area municipality under subsection 63 (3) of the *Assessment Act*.

Rights of  
appeal  
preserved

(14) Nothing in section 71, 71a or 71b in any way deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 36 (6) of that Act.

Regulations  
may be  
retroactive

(15) A regulation made under subsection (1) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

Minister may  
make grants

**75.—**(1) Where the Minister is of the opinion that property taxes in a municipality may be unduly increased because of changes made to the assessment rolls of area municipalities under a direction under subsection 74 (1), the Minister may make a grant to the Regional Corporation or an area municipality under such terms and conditions as the Minister considers necessary in the circumstances and an area municipality and the Regional Corporation has the authority to apply and shall apply the grant in accordance with the terms and conditions, if any.

(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1987, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Payment out  
of Consol-  
idated  
Revenue  
Fund

(3) If a by-law is passed by an area municipality under subsection 362 (1) of the *Municipal Act*, the by-law may be made applicable to rateable property in any one or more merged areas in the area municipality as though each such merged area were a separate municipality, but nothing in this subsection authorizes an area municipality to charge a reduction in whole or in part pursuant to subclause 362 (1) (c) (iii) of that Act only to one or more merged areas.

Limiting  
increases  
in taxes  
following  
change in  
assessment  
base  
R.S.O. 1980,  
c. 302

(4) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 74 (1), and, in relation to either or both the District of Sudbury Welfare Administration Board and the Nickel District Conservation Authority, the changes directly affect the relative cost sharing responsibility of any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations,

Board  
apportion-  
ments

- (a) prescribing an alternative basis, to that specified under the *District Welfare Administration Boards Act*, for apportioning the amounts required by the District of Sudbury Welfare Administration Board from each municipality within the district board area;
- (b) prescribing an alternative basis, to that specified under the *Conservation Authorities Act*, for apportioning the amounts required by the Nickel District Conservation Authority from each municipality under the conservation authority area,

R.S.O. 1980,  
c. 122

R.S.O. 1980,  
c. 85

as the case may be.

(5) A regulation made under subsection (4) may be made retroactive to a date not earlier than the 1st day of January of the year in which it is made.

Regulations  
may be  
retroactive

**2.—(1) Section 130 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:**

Non-  
application

(10) This section does not apply to The Sudbury District Roman Catholic Separate School Board.

**(2) Section 214 of the said Act is amended by adding thereto the following subsection:**

Non-  
application

(6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Sudbury.

**(3) The said Act is amended by adding thereto the following section:**

Regulations  
for apportionment,  
Sudbury District  
Roman Catholic  
Separate School  
Board  
Idem

**214a.**—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by The Sudbury District Roman Catholic Separate School Board for separate school purposes for any year among the municipalities or parts thereof and localities in the district combined separate school zone.

(2) In any year in which a regulation made under subsection (1) is in force, the sums mentioned in that subsection shall be apportioned among the municipalities or parts thereof and localities in the district combined separate school zone in accordance with the regulation.

Where  
estimated  
data used

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof, other than an area municipality as defined in the *Regional Municipality of Sudbury Act* or by a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year.

R.S.O. 1980,  
c. 441

**(4) Section 222 of the said Act is amended by adding thereto the following subsection:**

Non-  
application

(4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Sudbury.

**(5) Section 225 of the said Act is repealed and the following substituted therefor:**

This Part to  
prevail where  
conflict  
R.S.O. 1980,  
c. 441

**225.** In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the *Regional Municipality of Sudbury Act*, the provision in sections 220 to 224 prevails.

**3.** Nothing in this Act affects the validity of an interim levy made by the Regional Council or by the council of an area municipality under section 74 of the *Regional Municipality of*



*Sudbury Act* as it read before the coming into force of this Act and subsections 71 (8), (9) and (10) and subsection 71c (2) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by the Regional Council in 1986 and subsections 71d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by an area municipality.

4. This Act shall be deemed to have come into force on the 1st day of January, 1986. Commence-  
ment

5. The short title of this Act is the *Regional Municipality of Sudbury Statute Law Amendment Act, 1986*. Short title





# Bill 14

## **An Act to amend the Oleomargarine Act**

**The Hon. J. Riddell**

*Minister of Agriculture and Food*

---

*1st Reading*      May 12th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The purpose of the Bill is to delete a reference which is obsolete.

**Bill 14****1986****An Act to amend the Oleomargarine Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of the *Oleomargarine Act*, being chapter 324 of the Revised Statutes of Ontario, 1980, is amended by striking out "read under conditions substantially similar to those established by the United States Bureau of Internal Revenue" in the fifth and sixth lines.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is the *Oleomargarine Amendment Act, 1986*. Short title





# Bill 14

*(Chapter 65  
Statutes of Ontario, 1986)*

## **An Act to amend the Oleomargarine Act**

**The Hon. J. Riddell**  
*Minister of Agriculture and Food*

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<i>1st Reading</i>	May 12th, 1986
<i>2nd Reading</i>	December 9th, 1986
<i>3rd Reading</i>	December 15th, 1986
<i>Royal Assent</i>	December 18th, 1986

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**Bill 14****1986****An Act to amend the Oleomargarine Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of the *Oleomargarine Act*, being chapter 324 of the Revised Statutes of Ontario, 1980, is amended by striking out "read under conditions substantially similar to those established by the United States Bureau of Internal Revenue" in the fifth and sixth lines.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is the *Oleomargarine Amendment Act, 1986*. Short title





# Bill 15

## **An Act to repeal the Brucellosis Act**

The Hon. J. Riddell

*Minister of Agriculture and Food*

---

*1st Reading*      May 12th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The purpose of this Bill is to repeal the *Brucellosis Act*. Any agreement made under subsection 3 (2) of the Act between the Minister and a veterinarian is void. In section 3, the Minister is authorized to transfer records and information to the Department of Agriculture of the Government of Canada.

Bill 15

1986

## An Act to repeal the Brucellosis Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Brucellosis Act*, being chapter 50 of the Revised Statutes of Ontario, 1980, is repealed. Repeal
2. An agreement made between the Minister of Agriculture and Food and a veterinarian under subsection 3 (2) of the *Brucellosis Act* is void. Agreements void
3. The Minister may transfer to the Department of Agriculture of the Government of Canada any records or information acquired in the administration of the *Brucellosis Act*. Disposal of records
4. This Act shall be deemed to have come into force on the 1st day of November, 1985. Commencement
5. The short title of this Act is the *Brucellosis Repeal Act*, 1986. Short title





# Bill 16

## **An Act to amend the Municipal Act**

**Mr. Breaugh**

---

*1st Reading*      May 12th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

Under the present law, the public is not permitted to attend committee meetings of municipal councils or local boards. The present law also denies public access to reports made to the committees and to certain other documents. The amendment opens up committee meetings to the public and provides access to reports and other records, subject to specific confidentiality exemptions. The amendment also imposes an obligation on councils to inform members of the public of their rights under the Act.

# Bill 16

1986

## An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 55 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**55.**—(1) The meetings of every council and of every local board as defined by the *Municipal Affairs Act* and of every committee of every council and every local board shall be open to the public and no person shall be excluded therefrom except for improper conduct.

Open  
meetings  
R.S.O. 1980,  
c. 303

(2) The head or other presiding officer may expel or exclude from a meeting any person who has been guilty of improper conduct at the meeting.

Exclusion  
of certain  
persons

(3) Notice of a meeting mentioned in subsection (1) shall be published not less than three days before the date of the meeting and the notice shall contain,

Publication  
of right  
to attend  
meetings

- (a) the time and place of the meeting;
- (b) a statement that the meeting is open to the public;
- (c) a list of the items to be discussed; and
- (d) if appropriate, a statement that copies of any report to be discussed at the meeting are available for inspection by the public.

(4) If a report is prepared in connection with a matter to be discussed at a meeting for which notice is required under subsection (3), the clerk or other person who has possession of or control over the report shall ensure, subject to subsection 78 (1b), that copies of the report are available for inspection by the public at least three days before the date of the meeting.

Reports to  
be available  
prior to  
meeting



Special  
meetings  
excepted

(5) Subsections (1) and (3) do not apply to a special meeting summoned under subsection 57 (2).

Closed  
meetings

(6) On the authority of a majority of the members present, expressed by resolution in writing, a meeting mentioned in subsection (1) may be closed if and for so long as it relates to a matter mentioned in subsection 78 (1b).

**2. Subsection 78 (1) of the said Act is repealed and the following substituted therefor:**

Definition  
of "record"

(1) For the purposes of this section, "record" means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise.

Inspection  
of records

(1a) Except as otherwise provided in any Act, and subject to subsection (1b), a person may inspect, at all reasonable hours,

- (a) any records in the possession or under the control of the clerk; and
- (b) any records respecting meetings of local boards and committees of local boards,

and, within a reasonable time, the clerk or other person who has possession of or control over the records shall furnish copies of them or extracts from them to any applicant on payment of the rate fixed by council for copies.

Exemptions  
from public  
inspection

(1b) Subsection (1a) does not apply to a record that,

- (a) concerns negotiations for the purchase of land, goods or services;
- (b) contains financial, commercial, scientific or technical information relating to a person, the disclosure of which could reasonably be expected to prejudice the economic interests or the competitive position of that person;
- (c) contains information with respect to proposed plans, policies or projects whose premature disclosure could reasonably be expected to result in undue financial benefit or loss to a person;
- (d) is a report of solicitors for the council made to council or any of its committees;
- (e) concerns negotiations with trade unions;

- (f) relates to the management of personnel; or
- (g) contains personal information.

(1c) The clerk shall ensure that a statement of the public's right to inspect and copy records under this section, Publication of right to inspection

- (a) is included with the financial information provided in accordance with subsection 85 (1); and
- (b) is posted in the municipal office and one other prominent place in the municipality.

(1d) Subsections (1a), (1b) and (1c) apply with necessary modifications to every regional municipality, The Municipality of Metropolitan Toronto, the District Municipality of Muskoka and the County of Oxford. Application of subsections (1a), (1b) and (1c)

**3. This Act comes into force on the day it receives Royal Assent.** Commencement

**4. The short title of this Act is the *Municipal Amendment Act, 1986*.** Short title









# Bill 17

## **An Act respecting the Province of Ontario Savings Office**

Mr. Philip

---

*1st Reading*      May 13th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The Bill provides for an expanded Province of Ontario Savings Office with the power to make loans and offer financial services as well as receive deposits.

Bill 17

1986

## An Act respecting the Province of Ontario Savings Office

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Definitions

“branch” means a branch of the Savings Office;

“Fund” means the Savings Office Fund;

“Minister” means the Minister of Revenue;

“Province of Ontario Savings Office” and “Savings Office” mean the savings deposit facility operated under the *Agricultural Development Finance Act*.

R.S.O. 1980,  
c. 10

**2.** The Province of Ontario Savings Office is continued under the administration of the Minister.

Savings  
Office  
continued

**3.** The Minister may establish and operate branches at such places in Ontario as he may choose.

Branches

**4.—(1)** The Minister may receive moneys on deposit in accordance with the regulations.

Deposits

(2) All moneys received on deposit and all moneys held on deposit by the Savings Office on the day this Act comes into force form part of the Fund.

Part of  
Fund

(3) Moneys deposited with the Minister under this Act are subject to attachment in the same manner as moneys deposited in a chartered bank.

Deposits  
subject to  
attachment

**5. The Minister may,**

Investments  
and loans

- (a) invest any moneys in the Fund in such securities and real property as he may choose; and



- (b) subject to the regulations, lend any moneys in the Fund upon such terms as may be agreed upon by the Minister and the borrower, may take security for any loan and may realize upon any security.

Financial  
services

**6.** The Minister may,

- (a) make contracts with any person for the rental of safety deposit boxes at branches;
- (b) act as an agent for the sale of Canada Savings Bonds and travellers' cheques; and
- (c) offer such other financial services as may be prescribed by regulation.

Expenses  
to be paid  
from Fund

**7.—**(1) All expenses of administering this Act, including interest payable on deposits, shall be paid from the Fund.

Surplus

(2) Any surplus in the Fund from time to time may be paid into the Consolidated Revenue Fund.

Annual  
statements

**8.** The Minister shall within a reasonable time after the end of each fiscal year prepare and table detailed financial statements for the Fund.

Regulations

**9.** The Lieutenant Governor in Council may make regulations,

- (a) fixing the terms and conditions on which deposits are received;
- (b) governing the making of loans from the Fund and the taking of security;
- (c) prescribing additional financial services.

**10.** The *Agricultural Development Finance Act*, being chapter 10 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-  
ment

**11.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**12.** The short title of this Act is the *Savings Office Act*, 1986.

# Bill 18

## **An Act to amend the Off-Road Vehicles Act, 1983**

**The Hon. E. Fulton**

*Minister of Transportation and Communications*

---

*1st Reading*      April 22nd, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

---

## EXPLANATORY NOTES

**SECTION 1.** The definition of a peace officer, for purposes of the Act, is being amended to exclude the reference to a municipal law enforcement officer.

**SECTION 2.** Subsection 2 (3) of the Act is recast to clarify the type of vehicles that do not receive the benefit of subsection 2 (2) of the Act. Subsection 2 (2) of the Act permits certain vehicles to be on the highway notwithstanding specified provisions of the *Highway Traffic Act*.

# Bill 18

1986

## An Act to amend the Off-Road Vehicles Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause 1 (h) of the *Off-Road Vehicles Act, 1983*, being chapter 53, is amended by striking out “municipal law enforcement officer” in the second line.

**2.—(1)** Clause 2 (2) (b) of the said Act is repealed and the following substituted therefor:

(b) on a highway, if the vehicle is designed to travel on more than two wheels and the driver is,

(i) a farmer using the vehicle for agricultural purposes, or

(ii) a person licensed under the *Game and Fish Act* to hunt or trap fur-bearing animals while using the vehicle for hunting or trapping fur-bearing animals,

R.S.O. 1980,  
c. 182

and the vehicle or a vehicle drawn by it bears a slow moving vehicle sign.

**(2)** Subsection 2 (3) of the said Act is repealed and the following substituted therefor:

(3) Subsection (2) does not apply to a motorcycle with a side car, a farm tractor, a self-propelled implement of husbandry or a road-building machine as defined in the *Highway Traffic Act* or to an off-road vehicle designated by regulation as a vehicle of a class of off-road vehicle that is exempt from section 3 of this Act.

Application

R.S.O. 1980,  
c. 198

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment



Short title

**4.** The short title of this Act is the *Off-Road Vehicles Amendment Act, 1986*.

# Bill 18

*(Chapter 54  
Statutes of Ontario, 1986)*

## **An Act to amend the Off-Road Vehicles Act, 1983**

**The Hon. E. Fulton**

*Minister of Transportation and Communications*

---

<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 19th, 1986
<i>3rd Reading</i>	November 27th, 1986
<i>Royal Assent</i>	November 27th, 1986

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# Bill 18

1986

## An Act to amend the Off-Road Vehicles Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause 1 (h) of the *Off-Road Vehicles Act, 1983*, being chapter 53, is amended by striking out “municipal law enforcement officer” in the second line.

**2.—(1)** Clause 2 (2) (b) of the said Act is repealed and the following substituted therefor:

(b) on a highway, if the vehicle is designed to travel on more than two wheels and the driver is,

(i) a farmer using the vehicle for agricultural purposes, or

(ii) a person licensed under the *Game and Fish Act* to hunt or trap fur-bearing animals while using the vehicle for hunting or trapping fur-bearing animals,

R.S.O. 1980,  
c. 182

and the vehicle or a vehicle drawn by it bears a slow moving vehicle sign.

**(2)** Subsection 2 (3) of the said Act is repealed and the following substituted therefor:

(3) Subsection (2) does not apply to a motorcycle with a side car, a farm tractor, a self-propelled implement of husbandry or a road-building machine as defined in the *Highway Traffic Act* or to an off-road vehicle designated by regulation as a vehicle of a class of off-road vehicle that is exempt from section 3 of this Act.

Application

R.S.O. 1980,  
c. 198



Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Off-Road Vehicles Amendment Act, 1986*.

# Bill 19

## **An Act to relieve Persons from Liability in respect of voluntary Emergency Medical and First Aid Services**

Mr. Haggerty

---

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The purpose of this Bill is to relieve persons from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

Bill 19

1986

**An Act to relieve Persons from Liability  
in respect of voluntary Emergency  
Medical and First Aid Services**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Definitions**

“physician” means a medical practitioner licensed under Part III of the *Health Disciplines Act*;

R.S.O. 1980,  
c. 196

“registered nurse” means a person who is the holder of a certificate as a registered nurse issued under Part IV of the *Health Disciplines Act*.

**2. Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other emergency,**

**Relief  
from  
liability  
for  
damages**

- (a) a physician or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and the services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or
- (b) a person other than a person mentioned in clause (a) voluntarily renders emergency first aid assistance and the assistance is rendered at the immediate scene of the accident or emergency,

the physician, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his or her part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by the gross negligence of the physician, registered nurse or other person.



Act does  
not apply  
to normal  
medical  
services

**3.** Nothing in section 2 shall be construed to relieve a physician from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the physician in respect of medical services rendered by him in the normal and ordinary course of his practice and not under the circumstances set forth in section 2.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is the *Good Samaritan Act, 1986*.

# Bill 20

## **An Act to ensure the Regeneration and Reforestation of Forests in Ontario**

Mr. Foulds

---

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The purpose of the Bill is to require the Ministry of Natural Resources to prepare a forest resource analysis and forest resource program at regular intervals to assist in ensuring the wise management of forest resources in Ontario.

The Bill also makes it a duty of the Minister to ensure that the forest resources of Ontario are managed on a sustained yield basis.

Bill 20

1986

**An Act to ensure the  
Regeneration and Reforestation of Forests in Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Definitions

“Minister” means the Minister of Natural Resources;

“Ministry” means the Ministry of Natural Resources;

“sustained yield” means the growth of timber that a forest can produce and that can be cut to achieve a continuous approximate balance between growth of timber and timber cut.

**2.** It is the duty of the Minister to ensure that the forest resources of Ontario are managed on a sustained yield basis.

Duty

**3.—(1)** Not later than the 31st day of October, 1986, the Minister shall prepare and submit to the Lieutenant Governor in Council a forest resource analysis containing,

Forest  
resource  
analysis

(a) a description of the inventory of the forest resources in Ontario;

(b) a description of the location and extent of areas of forest land in Ontario that,

(i) have been denuded of timber through harvesting or otherwise and have not been restocked with commercially valuable species of timber, or

(ii) are producing timber at a rate that is substantially lower than their potential;



- (c) a description of the programs of the Ministry respecting public and private forest management, protection, conservation, investment and research;
- (d) an analysis of trends in and a forecast of,
  - (i) domestic and international demand for and uses of the forest resources in Ontario and products manufactured therefrom, and
  - (ii) the supply of the forest resources in Ontario and products manufactured therefrom in relation to the supply from areas outside Ontario; and
- (e) a summary of developments in and questions of public policy that are expected to influence significantly and to affect the use, ownership, licensing and management of forest resources.

Subsequent  
analyses

(2) An analysis referred to in subsection (1) shall be prepared and submitted to the Lieutenant Governor in Council at least once in every ten year period following the date that the initial analysis is prepared and submitted.

Forest  
resource  
program

4.—(1) Not later than the 31st day of October, 1986, the Minister shall prepare and submit to the Lieutenant Governor in Council a forest resource program containing,

- (a) a presentation of the alternatives available for re-stocking forest land, for increasing the productivity of forest land, and for otherwise improving forest resources in Ontario, identifying,
  - (i) the estimated capital and current expenditures associated with each alternative,
  - (ii) the estimated effect of each alternative on the productivity of the resources,
  - (iii) the estimated direct and indirect economic and social benefits and costs associated with each alternative, and
  - (iv) an assessment of the priorities that should be given to each alternative; and
- (b) a program recommended to be implemented by the Ministry during the five year period beginning on the 1st day of April, 1987, for re-stocking forest

land, for increasing the productivity of forest land, and for otherwise improving forest resources in Ontario, including,

- (i) a schedule for implementing the program,
- (ii) the method to be used and priorities adopted for implementing the program, and
- (iii) the respective roles to be played by the Crown and the private sector in implementing the program.

(2) A program referred to in subsection (1) shall be prepared and submitted to the Lieutenant Governor in Council at least once in every five year period following the date that the initial program is prepared and submitted.

Subsequent  
programs

**5.** When the Minister submits a forest resource analysis and forest resource program to the Lieutenant Governor in Council, the Minister shall lay a copy of the analysis or program before the Assembly if it is in session or, if not, at the next ensuing session.

Tabling  
in Assembly

**6.—(1)** The Minister shall submit to the Lieutenant Governor in Council an annual report concerning the work performed by the Ministry in respect of the forest resource analysis and forest resource program referred to in sections 2 and 3 and the Minister shall then lay a copy of the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual  
report

(2) The annual report shall include,

Idem

- (a) a review of the forest resource program then in effect, a statement of the expenditures incurred to implement it, an assessment of the effect it has had on the productivity of forest resources in the Province and an analysis of the direct and indirect economic and social benefits and costs associated with its implementation; and
- (b) a summary of forest land in the Province, showing areas denuded of forest during the year, areas restocked during the year and areas the productivity of which has been improved during the year.

**7.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

Short title

**8.** The short title of this Act is the *Forest Resource Management Act, 1986*.







# Bill 21

## **An Act to amend the Animals for Research Act**

Mr. Philip

---

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

Under the present law, the operator of a pound may not destroy a dog or cat in the pound without first satisfying any requests for purchase of the dog or cat for research. The amendment would empower local municipalities to pass a by-law authorizing an operator to destroy a dog or cat without satisfying such a request.

# Bill 21

1986

## An Act to amend the Animals for Research Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Section 20 of the *Animals for Research Act*, being chapter 22 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:**

(6a) The council of a local municipality may by by-law authorize operators of pounds to destroy or cause or permit to be destroyed any dog or cat that has been impounded in a pound without satisfying any requests referred to in clause (6) (c) from operators of research facilities and the council shall file a copy of any such by-law with the Director.

Exception  
where there  
is by-law

**(2) Clause 20 (7) (c) of the said Act is repealed and the following substituted therefor:**

- (c) the dog or cat has been impounded in the pound for the redemption period and,
  - (i) the operator of the pound has satisfied all requests referred to in clause (6) (c) from operators of research facilities, or
  - (ii) the council of the local municipality has passed a by-law under subsection (6a) authorizing the operator to destroy or cause or permit to be destroyed any dog or cat without satisfying any such requests; or

**(3) Subclause 20 (7) (d) (ii) of the said Act is repealed and the following substituted therefor:**

- (ii) the operator has satisfied all requests referred to in clause (6) (c) from operators of research facilities or the council of the local municipal-



ity has passed a by-law under subsection (6a) authorizing the operator to destroy or cause or permit to be destroyed any dog or cat without satisfying any such requests.

Commence-  
ment

**2. This Act comes into force on the day it receives Royal Assent.**

Short title

**3. The short title of this Act is the *Animals for Research Amendment Act, 1986*.**

# Bill 22

## **An Act to amend certain Acts respecting Regional Municipalities**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

---

*1st Reading*      April 22nd, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

---

## EXPLANATORY NOTES

The Bill amends the ten Acts that govern the regional municipalities as follows:

	Section
Durham.....	1
Haldimand-Norfolk.....	2
Halton .....	3
Hamilton-Wentworth .....	4
Niagara .....	5
Ottawa-Carleton .....	6
Peel.....	7
Sudbury.....	8
Waterloo .....	9
York.....	10

Paragraph 1 describes amendments that are common to all ten of the regional municipalities.

Paragraphs 2 to 7 describe amendments related only to the regional municipalities named in the particular paragraphs.

### 1. All Regional Municipalities.

**Subsections 1 (4), 2 (1), 3 (1), 4 (1), 5 (1), 6 (1), 7 (1), 8 (1), 9 (4) and 10 (4).**

Under each Act, certificates of qualification must be filed with the clerk of the Regional Corporation by some or all of the members of the Regional Council. The requirement varies from Act to Act. The proposed amendment standardizes the requirement in each of the Acts and clarifies that it is the clerks of the area municipalities who must give the certificates.

**Subsections 1 (6), 2 (2), 3 (2), 4 (2), 5 (2), 6 (2), 7 (2), 8 (2), 9 (6) and 10 (6).**

The subsection that will be repealed relates to conflicts of interest. Conflicts of interest are now governed by the *Municipal Conflict of Interest Act, 1983*.

**Subsections 1 (7), 2 (4), 3 (4), 4 (3), 5 (3), 6 (8), 7 (3), 8 (3), 9 (7) and 10 (8).**

At present, the debentures to be redeemed on each anniversary of the date of the debentures are selected by lot by the treasurer of a Regional Corporation at a public meeting of the Regional Council. The proposed amendment deletes the requirement that the selection by lot be held at a meeting of the Regional Council and permits the Regional Council to prescribe the manner of making the selection.

**Subsections 1 (8), 2 (5), 3 (5), 4 (5), 5 (4), 6 (9), 7 (4), 8 (4), 9 (8) and 10 (9).**

The re-enactment changes a reference to the *Mortmain and Charitable Uses Act* to read as a reference to *Charities Accounting Act*. The former Act has been repealed. Section 6c of the latter Act authorizes a municipal corporation to hold land for charitable purposes.

### 2. Regional Municipalities of Haldimand-Norfolk, Halton and York.

**Subsections 2 (3), 3 (3) and 10 (7).** At present, all by-laws related to the regulation of traffic on the roads under the jurisdiction of the area municipalities, except parking by-laws, must be approved by the Regional Council. The proposed amendments allow the Regional Councils to exempt area municipalities from this requirement.

### **3. Regional Municipality of Durham.**

**Subsections 1 (1), (2), (3) and (5).** The amendments increase the representation of the towns of Ajax and Whitby on the Regional Council by one member each. The quorum for the Regional Council is increased by one member.

### **4. Regional Municipality of Hamilton-Wentworth.**

**Subsection 4 (4).** Section 110, which relates to licensing powers, is added as a section of the *Municipal Act* that applies to the Regional Corporation.

**Subsection 4 (6).** It is proposed that the Regional Corporation be given the power to license the contractors and master tradespersons listed in the proposed subsection 134a (1).

**Subsection 4 (7).** The proposed amendment authorizes the Regional Council to permit the City of Hamilton to develop and sell industrial sites in the described areas and to expend money for publicity related thereto.

### **5. Regional Municipality of Ottawa-Carleton.**

**Subsections 6 (3), (4), (5) and (6).** The amendments relate to public transportation in the Regional Area. Under the amendments,

- (a) the real property of the Commission and the Regional Corporation used for rapid transit purposes will be exempted from business and property taxes;
- (b) private roads and ways are included in the list of things that may be established and maintained by the Regional Corporation for the purposes of providing a system of public transportation;
- (c) the Regional Corporation will be able to exercise, throughout the Regional Area, its powers to contract, repair, maintain, operate, manage and control private roads and ways and other structures and works related to any system of passenger transport; and
- (d) the Regional Corporation will be authorized to pass by-laws to prohibit or regulate vehicles, conveyances, persons and animals from or on private roads and ways used for passenger transit.

**Subsection 6 (7).** The proposed amendments dissolve the existing health unit and board of health, as of a day to be named by proclamation, and give the powers, rights and duties of a board of health to the Regional Corporation. The employees of the board will become employees of the Regional Corporation.

**Subsection 6 (10).** The proposed section 165 provides for the appointment of a regional fire co-ordinator and for the development and implementation of an emergency fire service plan for the Regional Area.

**Subsection 6 (11).** The proposed section 181a authorizes the Regional Corporation to establish and maintain facilities for the recovery, manufacture and production of energy and other products from sewage and other waste. The section also authorizes the distribution and sale of the energy or other products so recovered, manufactured or produced.

### **6. Regional Municipality of Waterloo.**

**Subsection 9 (1).** The proposed amendment clarifies the boundary line between the City of Kitchener and the Township of Wilmot.



**Subsections 9 (2), (3) and (5).** The amendments increase the representation of the City of Waterloo on the Regional Council by one member. The quorum for the Regional Council is increased by one member.

**7. Regional Municipality of York.**

**Subsections 10 (1), (2), (3) and (5).** The amendments increase the representation of the towns of Markham and Vaughan on the Regional Council by one member each. The quorum for the Regional Council is increased by one member.

**Bill 22**

**1986**

**An Act to amend certain Acts  
respecting Regional Municipalities**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**REGIONAL MUNICIPALITY OF DURHAM**

**1.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

2. The Town of Ajax—Except as may be provided under subsection (2), seven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.

. . . . .

5. The Town of Whitby—Except as may be provided under subsection (2), seven members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by wards as members of the council of the area municipality.

**(2) Section 7 of the said Act is amended by striking out “thirty-one” in the first line and inserting in lieu thereof “thirty-three”.**

**(3) Clauses 7 (c) and (f) of the said Act are repealed and the following substituted therefor:**

- (c) two members of the council of the area municipality of the Town of Ajax who have been elected as members of the Regional Council and of the council of such area municipality;

. . . . .

- (f) three members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality.

**(4) Subsection 9 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of qualifi-  
cation

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(5) Subsection 11 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".**

**(6) Subsection 21 (4) of the said Act is repealed.**

**(7) Clause 111 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".**

**(8) Subsection 129 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

**2.—(1) Subsection 9 (3) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

**(2) Subsection 21 (4) of the said Act is repealed.**

**(3) Subsection 39 (1) of the said Act is repealed and the following substituted therefor:**

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

By-laws of  
area  
municipalities  
regulating  
traffic

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exceptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

Exemptions

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected



(4) Clause 93 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 111 (7) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(7) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF HALTON

**3.—**(1) Subsection 9 (3) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, item 14, is repealed and the following substituted therefor:

By-laws of  
area  
municipalities  
regulating  
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities

as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected

(4) Clause 104 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(5) Subsection 122 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

#### REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

**4.—(1) Subsection 8 (3) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 115 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 24, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 110, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(5) Subsection 133 (6) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

(6) The said Act is amended by adding thereto the following section:

Licensing  
contractors  
and master  
tradespersons

**134a.**—(1) The Regional Council may pass by-laws for examining, licensing, regulating and governing,

- (a) building repair contractors;
- (b) drain repair contractors;
- (c) electrical contractors;
- (d) explosives contractors;
- (e) heating, air conditioning and ventilation contractors;
- (f) plumbing contractors;
- (g) master building repairers;
- (h) master drain installers;
- (i) master electricians;



- (j) masters of explosives;
- (k) master plumbers; and
- (l) master warm air heating, air conditioning and ventilation installers.

(2) A by-law passed under subsection (1),

Idem

- (a) may require, as a condition of granting a licence to a master tradesperson mentioned in that subsection, that the master tradesperson have a permanent place of business in Ontario;
- (b) may exempt from any or all of the examination requirements set out in the by-law any applicant who holds such evidence of qualification as may be prescribed in the by-law;
- (c) may define the terms used in clauses (1) (a) to (l);
- (d) may provide for suspending or revoking a licence granted under the by-law; and
- (e) may provide for the payment to the area municipalities, in such manner as is set out in the by-law, any licence fees, or any portion thereof, collected by the Regional Corporation.

(3) The Regional Council, by by-law and on such terms and conditions as it considers desirable, may delegate to any area municipality the authority to enforce within that area municipality the provisions of a by-law passed under subsection (1).

Delegation  
of  
enforcement

(4) If an area municipality enforces a by-law passed under subsection (1) pursuant to a delegation made under subsection (3), any fine imposed as a result of the enforcement belongs to the area municipality.

Recovery on  
fines

(5) A by-law passed by the council of an area municipality for licensing, regulating and governing any person mentioned in subsection (1) has no effect in respect of that person while there is in force a by-law passed by the Regional Council under subsection (1) for licensing, regulating and governing the same person in the same capacity.

Area  
municipality's  
by-laws  
inoperative

(7) Section 136 of the said Act is amended by adding thereto the following subsection:



Idem

R.S.O. 1980,  
c. 302

(2a) Notwithstanding subsection (2), the Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of the City of Hamilton to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 and paragraph 50 of section 210 of the *Municipal Act* with respect to all or any part of those lands in the City of Hamilton described as follows:

1. Commencing at the south-eastern limit of Birch Avenue with its intersection of the northern limit of Brant Street;

Thence northeasterly along the south-eastern limit of the said Birch Avenue to its intersection with the southern limit of Burlington Street;

Thence easterly along the southern limits of Burlington Street to and across its intersections with Sherman Avenue, Alpha, Beta and Keele Streets to the northeast angle of Lot 54, according to Registered Plan No. 550;

Thence southerly along the eastern limit of lots 54 to 59, inclusive, according to Registered Plan No. 550 and its southerly production to its intersection with the southern limit of Canadian National Railways right-of-way;

Thence westerly along the southern limit of the said right-of-way to its intersection with the eastern limit of Lot 104, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 104 and 103, according to Registered Plan No. 159, and its southerly production to the northeast corner of Lot 54, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 54, 53, 52 and 51, according to Registered Plan No. 159, to the south-east corner of the said Lot 51, said corner being a point in the northern limit of Imperial Street;

Thence easterly along the northern limit of Imperial Street to its intersection with the northerly production of the eastern limit of Lot 11, according to Registered Plan No. 159;

Thence southerly along the said northerly production to and along the eastern limit of Lot 11 to the southeast corner thereof;

Thence westerly along the southern limit of lots 11, 10, 9, 8, 7, 6, 5, 4, 3 and 1, being the southern limit of Registered Plan No. 159 and its westerly production to its intersection with the western limit of Sherman Avenue;

Thence northerly along the western limit of said Sherman Avenue to its intersection of the northern limit of Brant Street;

Thence westerly along the northern limit of Brant Street to the point of commencement.

2. Commencing at the north-east corner of Lot 80 according to Registered Plan No. 606;

Thence southerly along the eastern limit of the said Lot 80 and its southerly production to the southern limit of Biggar Avenue;

Thence westerly along the southern limit of Biggar Avenue to a point directly opposite and at right angles to the south-west corner of Lot 92, according to Registered Plan No. 606;

Thence northerly to the said south-west corner of Lot 92;

Thence northerly to a point in the northern limit of said Lot 92, said point being the northern limit of Registered Plan No. 606;

Thence easterly along the said northern limit, also the northern limit of lots 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81 and 80 to the point of commencement.

3. Lots 24, 25, 26, 27 and 97 and all of Lancaster Street immediately abutting lots 27 and 97;

Lots 1 to 19, inclusive, and lots 361 to 380, inclusive, and all of Birmingham Street and Leeds Street south of Burlington Street;

All according to Bright Side Survey registered in the Land Registry Office at Hamilton as Plan No. 453.

4. Lots 412 to 461, inclusive, according to Industrial Park Survey, registered in the Land Registry Office at Hamilton as Plan No. 584.

#### REGIONAL MUNICIPALITY OF NIAGARA

**5.—(1) Subsection 8 (3) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2) Subsection 20 (4) of the said Act is repealed.**

**(3) Clause 143 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.**

**(4) Subsection 161 (5) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

**6.—(1) Subsection 11 (3) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the



clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2) Subsection 24 (4) of the said Act is repealed.**

**(3) Section 77 of the said Act is amended by adding thereto the following subsections:**

(13) So long as any lands and easements owned by the Regional Corporation or by the Commission are used by the Regional Corporation or the Commission exclusively for the purpose of a subway, transitway or other rapid transit facility, or as car yards used directly in connection therewith, such lands and easements and the buildings, structures and other improvements thereon so used and so owned are exempt from business and real property taxation, and the Regional Corporation and the Commission are not liable for payments in lieu thereof under section 26 of the *Assessment Act*.

Tax  
exemption

R.S.O. 1980,  
c. 31

(14) Subsection (13) does not apply to concessions operated, rented or leased in transit stations.

Limitation

(15) The exemption provided by subsection (13) shall be deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*.

Deemed  
exemption

**(4) Subsection 78 (1) of the said Act is amended by striking out "such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area" in the sixteenth, seventeenth and eighteenth lines and inserting in lieu thereof "such private roads and ways and such other structures and works of every description as may be necessary or convenient in relation to the system of passenger transport including, without restricting the generality of the foregoing, such private roads and ways and such structures and works as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area".**

**(5) Subsection 78 (2) of the said Act is repealed and the following substituted therefor:**

**(2) Without limiting the generality of subsection (1),**

General  
powers



- (a) the power given to the Regional Corporation under subsection (1) to construct, repair, maintain, operate, manage and control private roads and ways and other structures and works may be exercised in relation to any system of passenger transport anywhere in the Regional Area; and
- (b) the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport.

**(6) Subsection 78 (4) of the said Act is amended by adding thereto the following clause:**

prohibiting  
and  
regulating  
traffic

- (ia) prohibit or regulate vehicles and conveyances of every description and persons and animals from or on any private road or way established by the Regional Corporation or the Commission primarily for the use of transit vehicles.

**(7) Sections 106, 107 and 108 of the said Act are repealed and the following substituted therefor:**

Health unit  
and board  
dissolved

**106.—**(1) On the day this section comes into force, the Regional Area health unit and the Ottawa-Carleton Regional Board of Health are dissolved and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Ottawa-Carleton Regional Board of Health for the purposes of any agreements entered into, orders made or matters commenced by that Board and for the purposes of any proceedings which have been or may be instituted against that Board.

Powers of  
board  
of health

(2) The Regional Corporation has all the powers, rights and duties of a board of health.

Definition

(3) In subsections (4), (5) and (6), “offering date” means the day next preceding the day this section comes into force.

Offer of  
employment

(4) The Regional Corporation shall offer to employ every person who on the offering date is employed by the Ottawa-Carleton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive, up to and including the 365th day following the offering date, a salary or wage of not less than what the person was receiving on the offering date.

(5) Subsections 28 (2), (3) and (6) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (4) as though such persons were employed on the offering date by a local board of a local municipality within the Regional Area.

Application  
of  
s. 28 (2, 3,  
6)

(6) Where a person employed under subsection (4) was not employed under a collective agreement on the offering date, the Regional Corporation shall place to the credit of such person the sick leave credits standing to the person's credit on that date in the sick leave credit plan of the Ottawa-Carleton Regional Board of Health.

Sick leave  
credits

(7) Nothing in subsections (4), (5) and (6) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination  
of  
employment

(8) Clause 134 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

(10) The said Act is amended by adding thereto the following section:

**165.** The Regional Corporation shall appoint a regional fire co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement the plan and program.

Regional fire  
co-ordinator

(11) The said Act is further amended by adding thereto the following section:

**181a.**—(1) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or other waste any product, resource, commodity, electrical power or energy, hot water or steam or any other form of energy and for such purposes may,

Products  
from  
industrial  
waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,  
c. 309 not to  
apply

(2) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under this section.

#### REGIONAL MUNICIPALITY OF PEEL

**7.—(1) Subsection 9 (3) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2) Subsection 21 (4) of the said Act is repealed.**

**(3) Clause 99 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.**

**(4) Subsection 117 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.



## REGIONAL MUNICIPALITY OF SUDBURY

**8.—(1)** Subsection 8 (3) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 85 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 103 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

## REGIONAL MUNICIPALITY OF WATERLOO

**9.—(1)** Clause 2 (1) (b) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out the following paragraph:

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

(which paragraph appears as the last paragraph on page 870 of Volume 7 of the said Revised Statutes) and inserting in lieu thereof the following paragraphs:

THENCE westerly along the southerly boundary of the said Township of Waterloo to the centre line of Trussler Road;



THENCE northerly along the centre line of Trusler Road to the northerly limit of the Regional Road Number 6;

THENCE easterly along the northerly limit of the said Regional Road 10 metres to the westerly limit of Lot 38 in the German Company Tract of the said Township of Waterloo;

THENCE northerly along the westerly limit of lots 38 and 39 of the said German Company Tract to the intersection of the line between lots 39 and 40 of the said German Company Tract;

**(2) Subsection 6 (1) of the said Act is amended by striking out "twenty-five" in the first line and inserting in lieu thereof "twenty-six".**

**(3) Clause 6 (1) (d) of the said Act is repealed and the following substituted therefor:**

- (d) three members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council in any year, received the highest number of votes, and in the event that one or more of such members declines to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

**(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out "Thirteen" in the first line and inserting in lieu thereof "Fourteen".

(6) Subsection 20 (4) of the said Act is repealed.

(7) Clause 133 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(8) Subsection 151 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

#### REGIONAL MUNICIPALITY OF YORK

**10.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

2. The Town of Markham—Twelve members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), eight members elected by wards.

. . . . .

5. The Town of Vaughan—Seven members, two of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), five members elected by wards.

(2) Section 6 of the said Act is amended by striking out "eighteen" in the first line and inserting in lieu thereof "twenty".

(3) Clauses 6 (b) and (e) of the said Act are repealed and the following substituted therefor:

- (b) four members of the council of the area municipality of the Town of Markham who have been elected

as members of the Regional Council and of the council of such area municipality;

. . . . .

- (e) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and of the council of such area municipality.

**(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(5) Subsection 10 (1) of the said Act is amended by striking out "Ten" in the first line and inserting in lieu thereof "Eleven".**

**(6) Subsection 20 (4) of the said Act is repealed.**

**(7) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:**

By-laws of  
area  
municipalities  
regulating  
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively



do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected

(8) Clause 135 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 153 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

**11.—**(1) Except as provided in subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Subsections 6 (7) and (10) come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Subsections 1 (1), (2), (3) and (5), subsections 9 (2), (3) and (5) and subsections 10 (1), (2), (3) and (5) come into force on the 1st day of December, 1985.

Idem

(4) Notwithstanding subsection (3), the regular elections to be held in 1985 under the *Municipal Elections Act* in the municipalities to which the subsections named in subsection (3) relate shall be conducted as if those subsections were in force.

Transition  
R.S.O. 1980,  
c. 308

**12.** The short title of this Act is the *Regional Municipalities Amendment Act, 1986*.

Short title





# Bill 22

## **An Act to amend certain Acts respecting Regional Municipalities**

The Hon. B. Grandmaître  
*Minister of Municipal Affairs*

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*1st Reading*      April 22nd, 1986

*2nd Reading*      April 22nd, 1986

*3rd Reading*

*Royal Assent*

*(Reprinted as amended by the Committee of the Whole House)*

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## EXPLANATORY NOTES

The Bill amends the ten Acts that govern the regional municipalities as follows:

	Section
Durham.....	1
Haldimand-Norfolk.....	2
Halton .....	3
Hamilton-Wentworth .....	4
Niagara .....	5
Ottawa-Carleton .....	6
Peel.....	7
Sudbury.....	8
Waterloo .....	9
York.....	10

Paragraph 1 describes amendments that are common to all ten of the regional municipalities.

Paragraphs 2 to 7 describe amendments related only to the regional municipalities named in the particular paragraphs.

### 1. All Regional Municipalities.

**Subsections 1 (4), 2 (1), 3 (1), 4 (1), 5 (1), 6 (1), 7 (1), 8 (1), 9 (4) and 10 (4).**

Under each Act, certificates of qualification must be filed with the clerk of the Regional Corporation by some or all of the members of the Regional Council. The requirement varies from Act to Act. The proposed amendment standardizes the requirement in each of the Acts and clarifies that it is the clerks of the area municipalities who must give the certificates.

**Subsections 1 (6), 2 (2), 3 (2), 4 (2), 5 (2), 6 (2), 7 (2), 8 (2), 9 (6) and 10 (6).**

The subsection that will be repealed relates to conflicts of interest. Conflicts of interest are now governed by the *Municipal Conflict of Interest Act, 1983*.

**Subsections 1 (7), 2 (4), 3 (4), 4 (3), 5 (3), 6 (8), 7 (3), 8 (3), 9 (7) and 10 (8).**

At present, the debentures to be redeemed on each anniversary of the date of the debentures are selected by lot by the treasurer of a Regional Corporation at a public meeting of the Regional Council. The proposed amendment deletes the requirement that the selection by lot be held at a meeting of the Regional Council and permits the Regional Council to prescribe the manner of making the selection.

**Subsections 1 (8), 2 (5), 3 (5), 4 (5), 5 (4), 6 (9), 7 (4), 8 (4), 9 (8) and 10 (9).**

The re-enactment changes a reference to the *Mortmain and Charitable Uses Act* to read as a reference to *Charities Accounting Act*. The former Act has been repealed. Section 6c of the latter Act authorizes a municipal corporation to hold land for charitable purposes.

### 2. Regional Municipalities of Haldimand-Norfolk, Halton and York.

**Subsections 2 (3), 3 (3) and 10 (7).** At present, all by-laws related to the regulation of traffic on the roads under the jurisdiction of the area municipalities, except parking by-laws, must be approved by the Regional Council. The proposed amendments allow the Regional Councils to exempt area municipalities from this requirement.

### **3. Regional Municipality of Durham.**

**Subsections 1 (1), (2), (3) and (5).** The amendments increase the representation of the towns of Ajax and Whitby on the Regional Council by one member each. The quorum for the Regional Council is increased by one member.

### **4. Regional Municipality of Hamilton-Wentworth.**

**Subsection 4 (4).** Section 110, which relates to licensing powers, is added as a section of the *Municipal Act* that applies to the Regional Corporation.

**Subsection 4 (6).** It is proposed that the Regional Corporation be given the power to license the contractors and master tradespersons listed in the proposed subsection 134a (1).

**Subsection 4 (7).** The proposed amendment authorizes the Regional Council to permit the City of Hamilton to develop and sell industrial sites in the described areas and to expend money for publicity related thereto.

### **5. Regional Municipality of Ottawa-Carleton.**

**Subsections 6 (3), (4), (5) and (6).** The amendments relate to public transportation in the Regional Area. Under the amendments,

- (a) the real property of the Commission and the Regional Corporation used for rapid transit purposes will be exempted from business and property taxes;
- (b) private roads and ways are included in the list of things that may be established and maintained by the Regional Corporation for the purposes of providing a system of public transportation;
- (c) the Regional Corporation will be able to exercise, throughout the Regional Area, its powers to contract, repair, maintain, operate, manage and control private roads and ways and other structures and works related to any system of passenger transport; and
- (d) the Regional Corporation will be authorized to pass by-laws to prohibit or regulate vehicles, conveyances, persons and animals from or on private roads and ways used for passenger transit.

**Subsection 6 (7).** The proposed amendments dissolve the existing health unit and board of health, as of a day to be named by proclamation, and give the powers, rights and duties of a board of health to the Regional Corporation. The employees of the board will become employees of the Regional Corporation.

**Subsection 6 (10).** The proposed section 165 provides for the appointment of a regional fire co-ordinator and for the development and implementation of an emergency fire service plan for the Regional Area.

**Subsection 6 (11).** The proposed section 181a authorizes the Regional Corporation to establish and maintain facilities for the recovery, manufacture and production of energy and other products from sewage and other waste. The section also authorizes the distribution and sale of the energy or other products so recovered, manufactured or produced.

### **6. Regional Municipality of Waterloo.**

**Subsection 9 (1).** The proposed amendment clarifies the boundary line between the City of Kitchener and the Township of Wilmot.



**Subsections 9 (2), (3) and (5).** The amendments increase the representation of the City of Waterloo on the Regional Council by one member. The quorum for the Regional Council is increased by one member.

**7. Regional Municipality of York.**

**Subsections 10 (1), (2), (3) and (5).** The amendments increase the representation of the towns of Markham and Vaughan on the Regional Council by one member each. The quorum for the Regional Council is increased by one member.

**Bill 22****1986**

**An Act to amend certain Acts  
respecting Regional Municipalities**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**REGIONAL MUNICIPALITY OF DURHAM**

**1.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

2. The Town of Ajax—Except as may be provided under subsection (2), seven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.

. . . . .

5. The Town of Whitby—Except as may be provided under subsection (2), seven members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by wards as members of the council of the area municipality.

(2) Section 7 of the said Act is amended by striking out “thirty-one” in the first line and inserting in lieu thereof “thirty-three”.

(3) Clauses 7 (c) and (f) of the said Act are repealed and the following substituted therefor:

- (c) two members of the council of the area municipality of the Town of Ajax who have been elected as members of the Regional Council and of the council of such area municipality;

. . . . .

- (f) three members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality.

**(4) Subsection 9 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of qualifi-  
cation

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(5) Subsection 11 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".**

**(6) Subsection 21 (4) of the said Act is repealed.**

**(7) Clause 111 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".**

**(8) Subsection 129 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

**2.—(1) Subsection 9 (3) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

**(2) Subsection 21 (4) of the said Act is repealed.**

**(3) Subsection 39 (1) of the said Act is repealed and the following substituted therefor:**

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

By-laws of  
area  
municipalities  
regulating  
traffic

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exceptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

Exemptions

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected



(4) Clause 93 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 111 (7) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(7) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF HALTON

**3.—**(1) Subsection 9 (3) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, item 14, is repealed and the following substituted therefor:

By-laws of  
area  
municipalities  
regulating  
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities

as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected

(4) Clause 104 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 122 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

#### REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

**4.—(1)** Subsection 8 (3) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

(2) Subsection 20 (4) of the said Act is repealed.

**(3) Clause 115 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.**

**(4) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 24, is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 110, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

**(5) Subsection 133 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

**(6) The said Act is amended by adding thereto the following section:**

Licensing  
contractors  
and master  
tradespersons

**134a.**—(1) The Regional Council may pass by-laws for examining, licensing, regulating and governing,

- (a) building repair contractors;
- (b) drain repair contractors;
- (c) electrical contractors;
- (d) explosives contractors;
- (e) heating, air conditioning and ventilation contractors;
- (f) plumbing contractors;
- (g) master building repairers;
- (h) master drain installers;
- (i) master electricians;



- (j) masters of explosives;
- (k) master plumbers; and
- (l) master warm air heating, air conditioning and ventilation installers.

(2) A by-law passed under subsection (1),

Idem

- (a) may require, as a condition of granting a licence to a master tradesperson mentioned in that subsection, that the master tradesperson have a permanent place of business in Ontario;
- (b) may exempt from any or all of the examination requirements set out in the by-law any applicant who holds such evidence of qualification as may be prescribed in the by-law;
- (c) may define the terms used in clauses (1) (a) to (l);
- (d) may provide for suspending or revoking a licence granted under the by-law; and
- (e) may provide for the payment to the area municipalities, in such manner as is set out in the by-law, any licence fees, or any portion thereof, collected by the Regional Corporation.

(3) The Regional Council, by by-law and on such terms and conditions as it considers desirable, may delegate to any area municipality the authority to enforce within that area municipality the provisions of a by-law passed under subsection (1).

Delegation  
of  
enforcement

(4) If an area municipality enforces a by-law passed under subsection (1) pursuant to a delegation made under subsection (3), any fine imposed as a result of the enforcement belongs to the area municipality.

Recovery on  
fines

(5) A by-law passed by the council of an area municipality for licensing, regulating and governing any person mentioned in subsection (1) has no effect in respect of that person while there is in force a by-law passed by the Regional Council under subsection (1) for licensing, regulating and governing the same person in the same capacity.

Area  
municipality's  
by-laws  
inoperative

**(7) Section 136 of the said Act is amended by adding thereto the following subsection:**



Idem

R.S.O. 1980,  
c. 302

(2a) Notwithstanding subsection (2), the Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of the City of Hamilton to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 and paragraph 50 of section 210 of the *Municipal Act* with respect to all or any part of those lands in the City of Hamilton described as follows:

1. Commencing at the south-eastern limit of Birch Avenue with its intersection of the northern limit of Brant Street;

Thence northeasterly along the south-eastern limit of the said Birch Avenue to its intersection with the southern limit of Burlington Street;

Thence easterly along the southern limits of Burlington Street to and across its intersections with Sherman Avenue, Alpha, Beta and Keele Streets to the northeast angle of Lot 54, according to Registered Plan No. 550;

Thence southerly along the eastern limit of lots 54 to 59, inclusive, according to Registered Plan No. 550 and its southerly production to its intersection with the southern limit of Canadian National Railways right-of-way;

Thence westerly along the southern limit of the said right-of-way to its intersection with the eastern limit of Lot 104, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 104 and 103, according to Registered Plan No. 159, and its southerly production to the northeast corner of Lot 54, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 54, 53, 52 and 51, according to Registered Plan No. 159, to the south-east corner of the said Lot 51, said corner being a point in the northern limit of Imperial Street;

Thence easterly along the northern limit of Imperial Street to its intersection with the northerly production of the eastern limit of Lot 11, according to Registered Plan No. 159;

Thence southerly along the said northerly production to and along the eastern limit of Lot 11 to the southeast corner thereof;

Thence westerly along the southern limit of lots 11, 10, 9, 8, 7, 6, 5, 4, 3 and 1, being the southern limit of Registered Plan No. 159 and its westerly production to its intersection with the western limit of Sherman Avenue;

Thence northerly along the western limit of said Sherman Avenue to its intersection of the northern limit of Brant Street;

Thence westerly along the northern limit of Brant Street to the point of commencement.

2. Commencing at the north-east corner of Lot 80 according to Registered Plan No. 606;

Thence southerly along the eastern limit of the said Lot 80 and its southerly production to the southern limit of Biggar Avenue;

Thence westerly along the southern limit of Biggar Avenue to a point directly opposite and at right angles to the south-west corner of Lot 92, according to Registered Plan No. 606;

Thence northerly to the said south-west corner of Lot 92;

Thence northerly to a point in the northern limit of said Lot 92, said point being the northern limit of Registered Plan No. 606;

Thence easterly along the said northern limit, also the northern limit of lots 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81 and 80 to the point of commencement.

3. Lots 24, 25, 26, 27 and 97 and all of Lancaster Street immediately abutting lots 27 and 97;

Lots 1 to 19, inclusive, and lots 361 to 380, inclusive, and all of Birmingham Street and Leeds Street south of Burlington Street;

All according to Bright Side Survey registered in the Land Registry Office at Hamilton as Plan No. 453.

4. Lots 412 to 461, inclusive, according to Industrial Park Survey, registered in the Land Registry Office at Hamilton as Plan No. 584.

#### REGIONAL MUNICIPALITY OF NIAGARA

**5.—(1)** Subsection 8 (3) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 143 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 161 (5) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

**6.—(1)** Subsection 11 (3) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the



clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2) Subsection 24 (4) of the said Act is repealed.**

**(3) Section 77 of the said Act is amended by adding thereto the following subsections:**

(13) So long as any lands and easements owned by the Regional Corporation or by the Commission are used by the Regional Corporation or the Commission exclusively for the purpose of a subway, transitway or other rapid transit facility, or as car yards used directly in connection therewith, such lands and easements and the buildings, structures and other improvements thereon so used and so owned are exempt from business and real property taxation, and the Regional Corporation and the Commission are not liable for payments in lieu thereof under section 26 of the *Assessment Act*.

Tax  
exemption

R.S.O. 1980,  
c. 31

(14) Subsection (13) does not apply to concessions operated, rented or leased in transit stations.

Limitation

(15) The exemption provided by subsection (13) shall be deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*.

Deemed  
exemption

**(4) Subsection 78 (1) of the said Act is amended by striking out "such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area" in the sixteenth, seventeenth and eighteenth lines and inserting in lieu thereof "such private roads and ways and such other structures and works of every description as may be necessary or convenient in relation to the system of passenger transport including, without restricting the generality of the foregoing, such private roads and ways and such structures and works as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area".**

**(5) Subsection 78 (2) of the said Act is repealed and the following substituted therefor:**

(2) Without limiting the generality of subsection (1),

General  
powers



- (a) the power given to the Regional Corporation under subsection (1) to construct, repair, maintain, operate, manage and control private roads and ways and other structures and works may be exercised in relation to any system of passenger transport anywhere in the Regional Area; and
- (b) the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport.

**(6) Subsection 78 (4) of the said Act is amended by adding thereto the following clause:**

prohibiting  
and  
regulating  
traffic

- (ia) prohibit or regulate vehicles and conveyances of every description and persons and animals from or on any private road or way established by the Regional Corporation or the Commission primarily for the use of transit vehicles.

**(7) Sections 106, 107 and 108 of the said Act are repealed and the following substituted therefor:**

Health unit  
and board  
dissolved

**106.—**(1) On the day this section comes into force, the Regional Area health unit and the Ottawa-Carleton Regional Board of Health are dissolved and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Ottawa-Carleton Regional Board of Health for the purposes of any agreements entered into, orders made or matters commenced by that Board and for the purposes of any proceedings which have been or may be instituted against that Board.

Powers of  
board  
of health

(2) The Regional Corporation has all the powers, rights and duties of a board of health.

Definition

(3) In subsections (4), (5) and (6), “offering date” means the day next preceding the day this section comes into force.

Offer of  
employment

(4) The Regional Corporation shall offer to employ every person who on the offering date is employed by the Ottawa-Carleton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive, up to and including the 365th day following the offering date, a salary or wage of not less than what the person was receiving on the offering date.

(5) Subsections 28 (2), (3) and (6) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (4) as though such persons were employed on the offering date by a local board of a local municipality within the Regional Area.

Application  
of  
s. 28 (2, 3,  
6)

(6) Where a person employed under subsection (4) was not employed under a collective agreement on the offering date, the Regional Corporation shall place to the credit of such person the sick leave credits standing to the person's credit on that date in the sick leave credit plan of the Ottawa-Carleton Regional Board of Health.

Sick leave  
credits

(7) Nothing in subsections (4), (5) and (6) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination  
of  
employment

(8) Clause 134 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

(10) The said Act is amended by adding thereto the following section:

**165.** The Regional Corporation shall appoint a regional fire co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement the plan and program.

Regional fire  
co-ordinator

(11) The said Act is further amended by adding thereto the following section:

**181a.**—(1) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or other waste any product, resource, commodity, electrical power or energy, hot water or steam or any other form of energy and for such purposes may,

Products  
from  
industrial  
waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,  
c. 309 not to  
apply

(2) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under this section.

#### REGIONAL MUNICIPALITY OF PEEL

**7.—(1) Subsection 9 (3) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Clause 99 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 117 (6) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.



## REGIONAL MUNICIPALITY OF SUDBURY

**8.—(1)** Subsection 8 (3) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 85 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 103 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

## REGIONAL MUNICIPALITY OF WATERLOO

**9.—(1)** Clause 2 (1) (b) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out the following paragraph:

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

(which paragraph appears as the last paragraph on page 870 of Volume 7 of the said Revised Statutes) and inserting in lieu thereof the following paragraphs:

THENCE westerly along the southerly boundary of the said Township of Waterloo to the centre line of Trussler Road;



THENCE northerly along the centre line of Trusler Road to the northerly limit of the Regional Road Number 6;

THENCE easterly along the northerly limit of the said Regional Road 10 metres to the westerly limit of Lot 38 in the German Company Tract of the said Township of Waterloo;

THENCE northerly along the westerly limit of lots 38 and 39 of the said German Company Tract to the intersection of the line between lots 39 and 40 of the said German Company Tract;

. . . . .

**(2) Subsection 6 (1) of the said Act is amended by striking out "twenty-five" in the first line and inserting in lieu thereof "twenty-six".**

**(3) Clause 6 (1) (d) of the said Act is repealed and the following substituted therefor:**

- (d) three members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council in any year, received the highest number of votes, and in the event that one or more of such members declines to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

**(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out "Thirteen" in the first line and inserting in lieu thereof "Fourteen".

(6) Subsection 20 (4) of the said Act is repealed.

(7) Clause 133 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(8) Subsection 151 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

#### REGIONAL MUNICIPALITY OF YORK

**10.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

2. The Town of Markham—Twelve members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), eight members elected by wards.

5. The Town of Vaughan—Seven members, two of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), five members elected by wards.

(2) Section 6 of the said Act is amended by striking out "eighteen" in the first line and inserting in lieu thereof "twenty".

(3) Clauses 6 (b) and (e) of the said Act are repealed and the following substituted therefor:

(b) four members of the council of the area municipality of the Town of Markham who have been elected

as members of the Regional Council and of the council of such area municipality;

- (e) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and of the council of such area municipality.

**(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(5) Subsection 10 (1) of the said Act is amended by striking out "Ten" in the first line and inserting in lieu thereof "Eleven".**

**(6) Subsection 20 (4) of the said Act is repealed.**

**(7) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:**

By-laws of  
area  
municipalities  
regulating  
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively



do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment. Notice of amendment or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed. By-laws not affected

(8) Clause 135 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(9) Subsection 153 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*. Application of R.S.O. 1980, c. 65

**11.—**(1) Except as provided in subsections (2) and (3), this Act comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 6 (7) and (10) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

(3) Subsections 1 (1), (2), (3) and (5) and subsections 10 (1), (2), (3) and (5) come into force on the 1st day of December, 1988. Idem

(4) Notwithstanding subsection (3), the regular elections to be held in 1988 under the *Municipal Elections Act* in the municipalities to which the subsections named in subsection (3) relate shall be conducted as if those subsections were in force. Transition R.S.O. 1980, c. 308

**12.** The short title of this Act is the *Regional Municipalities Amendment Act, 1986*. Short title





# Bill 22

*(Chapter 46  
Statutes of Ontario, 1986)*

## **An Act to amend certain Acts respecting Regional Municipalities**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	November 18th, 1986
<i>Royal Assent</i>	November 18th, 1986

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Bill 22

1986

**An Act to amend certain Acts  
respecting Regional Municipalities**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**REGIONAL MUNICIPALITY OF DURHAM**

**1.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

2. The Town of Ajax—Except as may be provided under subsection (2), seven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.
- . . . . .
5. The Town of Whitby—Except as may be provided under subsection (2), seven members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by wards as members of the council of the area municipality.

**(2) Section 7 of the said Act is amended by striking out “thirty-one” in the first line and inserting in lieu thereof “thirty-three”.**

**(3) Clauses 7 (c) and (f) of the said Act are repealed and the following substituted therefor:**



- (c) two members of the council of the area municipality of the Town of Ajax who have been elected as members of the Regional Council and of the council of such area municipality;

. . . . .

- (f) three members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality.

**(4) Subsection 9 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of qualifi-  
cation

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(5) Subsection 11 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".**

**(6) Subsection 21 (4) of the said Act is repealed.**

**(7) Clause 111 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".**

**(8) Subsection 129 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

**2.—(1) Subsection 9 (3) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

**(2) Subsection 21 (4) of the said Act is repealed.**

**(3) Subsection 39 (1) of the said Act is repealed and the following substituted therefor:**

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

By-laws of  
area  
municipalities  
regulating  
traffic

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exceptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

Exemptions

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected

(4) Clause 93 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(5) Subsection 111 (7) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(7) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF HALTON

**3.—**(1) Subsection 9 (3) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, item 14, is repealed and the following substituted therefor:

By-laws of  
area  
municipalities  
regulating  
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities



as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected

(4) Clause 104 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 122 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

#### REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

4.—(1) Subsection 8 (3) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

(2) Subsection 20 (4) of the said Act is repealed.



(3) Clause 115 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(4) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 24, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 110, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(5) Subsection 133 (6) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

(6) The said Act is amended by adding thereto the following section:

Licensing  
contractors  
and master  
tradespersons

**134a.**—(1) The Regional Council may pass by-laws for examining, licensing, regulating and governing,

- (a) building repair contractors;
- (b) drain repair contractors;
- (c) electrical contractors;
- (d) explosives contractors;
- (e) heating, air conditioning and ventilation contractors;
- (f) plumbing contractors;
- (g) master building repairers;
- (h) master drain installers;
- (i) master electricians;

- (j) masters of explosives;
- (k) master plumbers; and
- (l) master warm air heating, air conditioning and ventilation installers.

(2) A by-law passed under subsection (1),

Idem

- (a) may require, as a condition of granting a licence to a master tradesperson mentioned in that subsection, that the master tradesperson have a permanent place of business in Ontario;
- (b) may exempt from any or all of the examination requirements set out in the by-law any applicant who holds such evidence of qualification as may be prescribed in the by-law;
- (c) may define the terms used in clauses (1) (a) to (l);
- (d) may provide for suspending or revoking a licence granted under the by-law; and
- (e) may provide for the payment to the area municipalities, in such manner as is set out in the by-law, any licence fees, or any portion thereof, collected by the Regional Corporation.

(3) The Regional Council, by by-law and on such terms and conditions as it considers desirable, may delegate to any area municipality the authority to enforce within that area municipality the provisions of a by-law passed under subsection (1).

Delegation  
of  
enforcement

(4) If an area municipality enforces a by-law passed under subsection (1) pursuant to a delegation made under subsection (3), any fine imposed as a result of the enforcement belongs to the area municipality.

Recovery on  
fines

(5) A by-law passed by the council of an area municipality for licensing, regulating and governing any person mentioned in subsection (1) has no effect in respect of that person while there is in force a by-law passed by the Regional Council under subsection (1) for licensing, regulating and governing the same person in the same capacity.

Area  
municipality's  
by-laws  
inoperative

**(7) Section 136 of the said Act is amended by adding thereto the following subsection:**

Idem

R.S.O. 1980,  
c. 302

(2a) Notwithstanding subsection (2), the Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of the City of Hamilton to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 and paragraph 50 of section 210 of the *Municipal Act* with respect to all or any part of those lands in the City of Hamilton described as follows:

1. Commencing at the south-eastern limit of Birch Avenue with its intersection of the northern limit of Brant Street;

Thence northeasterly along the south-eastern limit of the said Birch Avenue to its intersection with the southern limit of Burlington Street;

Thence easterly along the southern limits of Burlington Street to and across its intersections with Sherman Avenue, Alpha, Beta and Keele Streets to the northeast angle of Lot 54, according to Registered Plan No. 550;

Thence southerly along the eastern limit of lots 54 to 59, inclusive, according to Registered Plan No. 550 and its southerly production to its intersection with the southern limit of Canadian National Railways right-of-way;

Thence westerly along the southern limit of the said right-of-way to its intersection with the eastern limit of Lot 104, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 104 and 103, according to Registered Plan No. 159, and its southerly production to the northeast corner of Lot 54, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 54, 53, 52 and 51, according to Registered Plan No. 159, to the south-east corner of the said Lot 51, said corner being a point in the northern limit of Imperial Street;

Thence easterly along the northern limit of Imperial Street to its intersection with the northerly production of the eastern limit of Lot 11, according to Registered Plan No. 159;



Thence southerly along the said northerly production to and along the eastern limit of Lot 11 to the southeast corner thereof;

Thence westerly along the southern limit of lots 11, 10, 9, 8, 7, 6, 5, 4, 3 and 1, being the southern limit of Registered Plan No. 159 and its westerly production to its intersection with the western limit of Sherman Avenue;

Thence northerly along the western limit of said Sherman Avenue to its intersection of the northern limit of Brant Street;

Thence westerly along the northern limit of Brant Street to the point of commencement.

2. Commencing at the north-east corner of Lot 80 according to Registered Plan No. 606;

Thence southerly along the eastern limit of the said Lot 80 and its southerly production to the southern limit of Biggar Avenue;

Thence westerly along the southern limit of Biggar Avenue to a point directly opposite and at right angles to the south-west corner of Lot 92, according to Registered Plan No. 606;

Thence northerly to the said south-west corner of Lot 92;

Thence northerly to a point in the northern limit of said Lot 92, said point being the northern limit of Registered Plan No. 606;

Thence easterly along the said northern limit, also the northern limit of lots 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81 and 80 to the point of commencement.

3. Lots 24, 25, 26, 27 and 97 and all of Lancaster Street immediately abutting lots 27 and 97;

Lots 1 to 19, inclusive, and lots 361 to 380, inclusive, and all of Birmingham Street and Leeds Street south of Burlington Street;



All according to Bright Side Survey registered in the Land Registry Office at Hamilton as Plan No. 453.

4. Lots 412 to 461, inclusive, according to Industrial Park Survey, registered in the Land Registry Office at Hamilton as Plan No. 584.

#### REGIONAL MUNICIPALITY OF NIAGARA

**5.—(1) Subsection 8 (3) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2) Subsection 20 (4) of the said Act is repealed.**

**(3) Clause 143 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.**

**(4) Subsection 161 (5) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

**6.—(1) Subsection 11 (3) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the

clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2) Subsection 24 (4) of the said Act is repealed.**

**(3) Section 77 of the said Act is amended by adding thereto the following subsections:**

(13) So long as any lands and easements owned by the Regional Corporation or by the Commission are used by the Regional Corporation or the Commission exclusively for the purpose of a subway, transitway or other rapid transit facility, or as car yards used directly in connection therewith, such lands and easements and the buildings, structures and other improvements thereon so used and so owned are exempt from business and real property taxation, and the Regional Corporation and the Commission are not liable for payments in lieu thereof under section 26 of the *Assessment Act*.

Tax  
exemption

R.S.O. 1980,  
c. 31

(14) Subsection (13) does not apply to concessions operated, rented or leased in transit stations.

Limitation

(15) The exemption provided by subsection (13) shall be deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*.

Deemed  
exemption

**(4) Subsection 78 (1) of the said Act is amended by striking out "such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area" in the sixteenth, seventeenth and eighteenth lines and inserting in lieu thereof "such private roads and ways and such other structures and works of every description as may be necessary or convenient in relation to the system of passenger transport including, without restricting the generality of the foregoing, such private roads and ways and such structures and works as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area".**

**(5) Subsection 78 (2) of the said Act is repealed and the following substituted therefor:**

**(2) Without limiting the generality of subsection (1),**

General  
powers

- (a) the power given to the Regional Corporation under subsection (1) to construct, repair, maintain, operate, manage and control private roads and ways and other structures and works may be exercised in relation to any system of passenger transport anywhere in the Regional Area; and
- (b) the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport.

**(6) Subsection 78 (4) of the said Act is amended by adding thereto the following clause:**

prohibiting  
and  
regulating  
traffic

- (ia) prohibit or regulate vehicles and conveyances of every description and persons and animals from or on any private road or way established by the Regional Corporation or the Commission primarily for the use of transit vehicles.

**(7) Sections 106, 107 and 108 of the said Act are repealed and the following substituted therefor:**

Health unit  
and board  
dissolved

**106.**—(1) On the day this section comes into force, the Regional Area health unit and the Ottawa-Carleton Regional Board of Health are dissolved and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Ottawa-Carleton Regional Board of Health for the purposes of any agreements entered into, orders made or matters commenced by that Board and for the purposes of any proceedings which have been or may be instituted against that Board.

Powers of  
board  
of health

(2) The Regional Corporation has all the powers, rights and duties of a board of health.

Definition

(3) In subsections (4), (5) and (6), “offering date” means the day next preceding the day this section comes into force.

Offer of  
employment

(4) The Regional Corporation shall offer to employ every person who on the offering date is employed by the Ottawa-Carleton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive, up to and including the 365th day following the offering date, a salary or wage of not less than what the person was receiving on the offering date.



(5) Subsections 28 (2), (3) and (6) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (4) as though such persons were employed on the offering date by a local board of a local municipality within the Regional Area.

Application  
of  
s. 28 (2, 3,  
6)

(6) Where a person employed under subsection (4) was not employed under a collective agreement on the offering date, the Regional Corporation shall place to the credit of such person the sick leave credits standing to the person's credit on that date in the sick leave credit plan of the Ottawa-Carleton Regional Board of Health.

Sick leave  
credits

(7) Nothing in subsections (4), (5) and (6) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination  
of  
employment

(8) Clause 134 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

(10) The said Act is amended by adding thereto the following section:

**165.** The Regional Corporation shall appoint a regional fire co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement the plan and program.

Regional fire  
co-ordinator

(11) The said Act is further amended by adding thereto the following section:

**181a.**—(1) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or other waste any product, resource, commodity, electrical power or energy, hot water or steam or any other form of energy and for such purposes may,

Products  
from  
industrial  
waste



- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,  
c. 309 not to  
apply

(2) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under this section.

#### REGIONAL MUNICIPALITY OF PEEL

**7.—(1) Subsection 9 (3) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2) Subsection 21 (4) of the said Act is repealed.**

**(3) Clause 99 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.**

**(4) Subsection 117 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

**(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.**

## REGIONAL MUNICIPALITY OF SUDBURY

**8.—**(1) Subsection 8 (3) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 85 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 103 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

## REGIONAL MUNICIPALITY OF WATERLOO

**9.—**(1) Clause 2 (1) (b) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out the following paragraph:

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

(which paragraph appears as the last paragraph on page 870 of Volume 7 of the said Revised Statutes) and inserting in lieu thereof the following paragraphs:

THENCE westerly along the southerly boundary of the said Township of Waterloo to the centre line of Trussler Road;

THENCE northerly along the centre line of Trusler Road to the northerly limit of the Regional Road Number 6;

THENCE easterly along the northerly limit of the said Regional Road 10 metres to the westerly limit of Lot 38 in the German Company Tract of the said Township of Waterloo;

THENCE northerly along the westerly limit of lots 38 and 39 of the said German Company Tract to the intersection of the line between lots 39 and 40 of the said German Company Tract;

**(2) Subsection 6 (1) of the said Act is amended by striking out "twenty-five" in the first line and inserting in lieu thereof "twenty-six".**

**(3) Clause 6 (1) (d) of the said Act is repealed and the following substituted therefor:**

- (d) three members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council in any year, received the highest number of votes, and in the event that one or more of such members declines to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

**(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.



(5) Subsection 10 (1) of the said Act is amended by striking out “Thirteen” in the first line and inserting in lieu thereof “Fourteen”.

(6) Subsection 20 (4) of the said Act is repealed.

(7) Clause 133 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(8) Subsection 151 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

#### REGIONAL MUNICIPALITY OF YORK

**10.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

2. The Town of Markham—Twelve members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), eight members elected by wards.

. . . . .

5. The Town of Vaughan—Seven members, two of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), five members elected by wards.

(2) Section 6 of the said Act is amended by striking out “eighteen” in the first line and inserting in lieu thereof “twenty”.

(3) Clauses 6 (b) and (e) of the said Act are repealed and the following substituted therefor:

(b) four members of the council of the area municipality of the Town of Markham who have been elected



as members of the Regional Council and of the council of such area municipality;

- (e) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and of the council of such area municipality.

**(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(5) Subsection 10 (1) of the said Act is amended by striking out "Ten" in the first line and inserting in lieu thereof "Eleven".**

**(6) Subsection 20 (4) of the said Act is repealed.**

**(7) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:**

By-laws of  
area  
municipalities  
regulating  
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively

do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of amendment or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws not affected

(8) Clause 135 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(9) Subsection 153 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application of R.S.O. 1980, c. 65

**11.—**(1) Except as provided in subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Commencement

(2) Subsections 6 (7) and (10) come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Subsections 1 (1), (2), (3) and (5) and subsections 10 (1), (2), (3) and (5) come into force on the 1st day of December, 1988.

Idem

(4) Notwithstanding subsection (3), the regular elections to be held in 1988 under the *Municipal Elections Act* in the municipalities to which the subsections named in subsection (3) relate shall be conducted as if those subsections were in force.

Transition R.S.O. 1980, c. 308

**12.** The short title of this Act is the *Regional Municipalities Amendment Act, 1986*.

Short title









# Bill 23

## **An Act to amend certain Acts in relation to Line Fences**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

**SECTION 1.—Subsections 1 and 2.** The proposed definitions of “appeals division” and “referee” are complementary to the proposed changes to the appeals procedures under the Act which are set out in sections 7 and 12 of the Bill.

**Subsection 3.** The proposed subsection 1 (4) of the Act provides that a condominium corporation and not the unit owners shall be deemed to be the owner of land for the purposes of the Act. Any payments made by a condominium corporation as a result of the operation of the Act will be collected as common expenses.

**SECTION 2.** At present, fence-viewers may only be paid on a *per diem* basis. The proposed re-enactment of section 2 will enable local municipalities to fix the remuneration of the fence-viewers on a daily or hourly rate or for each attendance or reattendance.

**SECTION 3.** Under the proposed amendment to subsection 4 (1) of the Act, owner's desiring fence-viewers to attend at their lands will be required to give notice in the prescribed form to the municipal clerk. At present, there is no requirement that the notice be in a particular form.

**SECTION 4.** The proposed section 4a authorizes the municipal clerk to postpone proceedings that require the attendance or reattendance of fence-viewers if in the clerk's opinion weather conditions or ground conditions make it impracticable to attend or reattend at an arbitration or other proceeding. In addition, municipalities will be authorized to postpone proceedings during the winter months.

**SECTION 5.** Subsection 7 (2) of the Act sets out certain matters that must be considered by the fence-viewers in making their award. The proposed re-enactment provides that the benefit to both owners of having the boundary between their lands marked by a fence must, in addition to the other matters set out, be considered by the fence-viewers.

**SECTION 6.** The proposed amendment to section 8 deems a copy of an award to have been received by the intended recipient seven days after it is mailed to the person.

**SECTION 7.** The re-enactment of section 9 abolishes the present appeal procedure before a judge of the small claims court and replaces it with an appeal to a referee. Under the proposed sections 25a and 25b of the Act, as set out in section 12 of the Bill, the Lieutenant Governor in Council will establish one or more appeals divisions in the province. There will be one referee and, if necessary, one or more deputy referees for each appeals division. The clerk of the local municipality in which the lands that are the subject of the appeal are situate will be the clerk for an appeal.

The appeal will be heard in a room supplied by the local municipality. The local municipality will supply support services related to an appeal. The Ministry of Municipal Affairs and Housing will supply additional support services.

**SECTIONS 8 and 9.** The re-enactment of subsection 13 (8) and the amendments to subsection 14 (1) delete references to “fees” and insert references to the “cost of the proceedings”. This is consistent with the language used in clause 7 (1) (e) of the Act.

**SECTION 10.** The proposed section 16a will allow a municipality to recover from the parties its reasonable administrative expenses in relation to proceedings under the Act.

**SECTION 11.** The amendment clarifies that the fence-viewers duties in relation to unopened road allowances are not extinguished by section 24 which provides that the Act does not apply to public highways.

**SECTION 12.** At present, section 24 provides that the Act does not apply to public highways. The re-enactment of section 24 extends this exclusion to reserves abutting public highways. The proposed subsection 24 (2) will permit a municipality to enter agree-

ments with abutting owners to erect fences to mark the boundary between a public highway and abutting lands.

Section 25 of the Act provides that the Act does not apply in a municipality if a by-law passed under paragraph 20 of section 210 of the *Municipal Act* is in force in a municipality. The re-enactment is complementary to an amendment to that paragraph of the *Municipal Act* which is set out in section 14 of the Bill and has the effect of restricting the exemption to only those lands in a municipality that are the subject of a by-law passed under the said paragraph 20.

The proposed sections 25a and 25b are described above (see section 7).

**SECTION 13.** The re-enactment of section 27 of the Act sets out new regulation making powers. The new powers are complementary to the amendments set out in sections 7, 8, 9, 10 and 12 of the Bill.

**SECTION 14.** Paragraph 20 of section 210 of the *Municipal Act* authorizes municipalities to pass by-laws related to the apportionment and recovery of the costs of line fences. The proposed amendment will permit a municipality to designate areas in the municipality where such a by-law is to operate.





Bill 23

1986

**An Act to amend certain Acts  
in relation to Line Fences**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clause 1 (1) (a) of the *Line Fences Act*, being chapter 242 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (a) “appeals division” means an appeals division established under this Act;
- (aa) “Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council to whom the administration of this Act is assigned.

**(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:**

- (ca) “referee” means a referee appointed under this Act.

**(3) Section 1 of the said Act is amended by adding thereto the following subsection:**

(4) Where a declaration has been registered under the *Condominium Act*, the condominium corporation and not the owners of the individual units shall be deemed to be the owner of the land described in the declaration for the purposes of this Act and,

Condominium  
corporations  
R.S.O. 1980,  
c. 84

- (a) any payments the condominium corporation may be responsible for under this Act, including the costs of any proceeding, is a common expense for the purposes of the *Condominium Act*; and

- (b) any payment to be made to the condominium corporation under this Act is an asset of the condominium corporation.

**2. Section 2 of the said Act is repealed and the following substituted therefor:**

Appointment  
of  
fence-viewers

**2.** The council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the remuneration to be paid to the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or reattendance by the fence-viewers.

**3. Subsection 4 (1) of the said Act is amended by inserting after "notify" in the seventh line "in the prescribed form".**

**4. The said Act is amended by adding thereto the following section:**

Postponement  
of view

**4a.—(1)** Where a day has been named under this Act for an arbitration or other proceeding requiring the attendance or reattendance of the fence-viewers, other than an appeal before the referee, the clerk of the municipality may postpone the arbitration or other proceeding to another day if in the clerk's opinion weather conditions or ground conditions make it impracticable for the arbitration to be held on the day originally named for the attendance or reattendance and where there is a postponement, the clerk shall forthwith,

- (a) give notice of the postponement to the persons entitled to receive notice of the original attendance or reattendance; and
- (b) give new notices in the same manner to the persons who were entitled to receive notice of the original attendance or reattendance naming a day for the arbitration or other proceeding that is not later than fifteen days after the previous day so named.

Winter  
months

(2) The council of every local municipality may provide by by-law that no arbitration or other proceeding requiring the attendance or reattendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year or during such shorter period between those dates as may be set out in the by-law.

Idem

(3) Where a by-law has been passed under subsection (2), a proceeding requiring the attendance or reattendance of fence-

viewers during the period set out in the by-law shall be postponed until the expiry of the period.

(4) A by-law passed under subsection (2) does not apply to an appeal before a referee. Idem

**5. Subsection 7 (2) of the said Act is repealed and the following substituted therefor:**

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be located, the benefit to both owners of having the boundary between their lands marked by a fence and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. Matters to be considered

**6. Section 8 of the said Act is amended by adding thereto the following subsection:**

(3) Unless otherwise proven, the copy of the award shall be deemed to have been received by those persons mentioned in subsection (1) seven days after the mailing of the award. When award received

**7.—(1) Sections 9 and 10 of the said Act are repealed and the following substituted therefor:**

**9.—(1)** An owner dissatisfied with the award may appeal therefrom to the referee for the appeals division in which the land is situate by serving on the owner or occupant of the adjoining land, within fifteen days of receiving a copy of the award made under section 7, a notice of appeal in the prescribed form and by filing a copy of the notice together with an affidavit of service of the notice in the prescribed form with, and by paying the prescribed fees to, the clerk of the local municipality in which the land is situate within that period. Appeal

(2) A notice under subsection (1) shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. Service of notice

(3) Upon the filing of the copies of the notices and the affidavits and the payment of the fees mentioned in subsection (1), the clerk shall forthwith notify the referee for the appeals division of the appeal and the referee shall forthwith fix the time and place for the hearing of the appeal and advise the clerk of the time and place so fixed. Notice to referee, etc.



Notice of  
hearing

(4) The clerk shall cause notice of the time and place of the appeal to be served on the person served with a notice under subsection (1) and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice under section 4.

Powers of  
referee

(5) The referee shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of the costs of the proceedings by either party and fix the amount of the costs.

Decision  
of referee  
to be final

(6) The decision of the referee is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

Indemnity  
for costs

(7) The referee may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Where land  
in more than  
one appeals  
division

(8) Notwithstanding subsections (1) and (3), when the award affects land in two or more appeals divisions, the appeal may be to the referee of the appeals division in which any part of the land is situate and in such case the documents mentioned in subsection (1) shall be filed with the clerk of the municipality in the appeals division in which the appeal is to be heard.

Copy of  
decision

(9) The clerk shall send by registered mail a copy of the referee's final decision and order, if any, in the proceedings to the parties at their last known addresses and to the Minister.

Payment to  
Treasurer of  
Ontario

(10) The fees mentioned in subsection (1) shall be paid over by the clerk to the Treasurer of Ontario.

**(2) Where, before the coming into force of this section, copies of the notices of appeal and the affidavits mentioned in subsection 9 (1) of the said Act, as that subsection read immediately before the coming into force of this section, were filed with the clerk of the small claims court, the appeal shall be heard and disposed of in accordance with the said Act as it read immediately before the coming into force of this section.**

**8. Subsection 13 (8) of the said Act is repealed and the following substituted therefor:**

Costs

(8) Where the fence-viewers make a determination under subsection (6), they shall specify the costs of the proceedings under this section and that the costs be paid by the adjoining

owner or the other owner or that a specified portion of the costs be paid by each of them.

**9.** Subsection 14 (1) of the said Act is amended by striking out “fees of the fence-viewers” in the twelfth line and inserting in lieu thereof “costs of the proceedings” and by striking out “fees” in the fourteenth line and inserting in lieu thereof “costs”.

**10.** The said Act is further amended by adding thereto the following section:

**16a.**—(1) The council of every local municipality may by by-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under this Act but, where maximum administrative fees are prescribed, the fees so fixed shall not exceed the maximum so prescribed.

Adminis-  
trative  
fees of  
municipality

(2) Subsections 17 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to the administrative fees payable to the municipality under subsection (1).

Idem

**11.** Subsection 18 (1) of the said Act is amended by adding at the commencement thereof “Notwithstanding section 24”.

**12.** Sections 24 and 25 of the said Act are repealed and the following substituted therefor:

**24.**—(1) Notwithstanding sections 22 and 23, this Act does not apply to any lands that constitute a public highway including lands abutting a public highway that are held as a reserve by a municipality or other public authority to separate lands abutting the reserve from the public highway.

Act does not  
apply to  
public  
highways

(2) Subsection (1) does not apply so as to prevent the entering into of agreements under subsection 22 (3) with respect to line fences to mark the boundary between a public highway or a reserve and adjoining lands.

Agreements  
under  
subs. 22 (3)

**25.** This Act does not apply to land where the land is in an area that is subject to a by-law passed under paragraph 20 of section 210 of the *Municipal Act*.

Effect of by-  
law under  
section 210,  
par. 20 of  
R.S.O. 1980,  
c. 302

**25a.**—(1) The Lieutenant Governor in Council shall establish one or more appeals divisions, as the Lieutenant Governor in Council considers advisable, so that all lands in Ontario are in an appeals division.

Appeals  
divisions

Appointment  
of referee

(2) The Lieutenant Governor in Council shall appoint a referee for the purposes of this Act for each appeals division.

Deputy  
referees

(3) The Lieutenant Governor in Council may appoint one or more deputy referees for the purposes of this Act for each appeals division and a deputy referee has the same powers and duties as a referee and shall have jurisdiction in the appeals division named in the deputy referee's appointment.

Additional  
jurisdiction

(4) A referee or deputy referee may be authorized by the Lieutenant Governor in Council to have jurisdiction in more than one appeals division.

Assignment  
of hearings

(5) A deputy referee shall hear such appeals as are assigned to the deputy referee by the referee for the appeals division to which the deputy referee is appointed.

Remuneration

(6) Referees and deputy referees shall be paid such remuneration as may be prescribed together with reasonable expenses.

Clerk on  
hearing of  
appeals

**25b.**—(1) The clerk of the municipality in which an appeal is filed under section 9 shall be the clerk for the purposes of an appeal under that section.

Support  
services

(2) The corporation of the municipality in which an appeal is filed under section 9 shall provide a suitable room for holding the hearing and shall provide all necessary stenographic and other support services as may be required for the purposes of the appeal.

Idem

(3) Support services not related to a specific appeal shall be supplied to the referees and deputy referees by the ministry of the Minister.

**13. Section 27 of the said Act is repealed and the following substituted therefor:**

Regulations

**27.** The Lieutenant Governor in Council may make regulations,

- (a) to provide for determining how costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned and for providing for the manner in which any amount so apportioned shall be recovered and providing for appeals to a referee in relation to such lands;



- (b) prescribing appeals divisions, the territorial limits of the divisions and the place at which any notices to be given to the referee for any such division may be served;
- (c) prescribing fees in relation to appeals before a referee;
- (d) prescribing maximum limits of administrative fees for the purposes of section 16a;
- (e) prescribing the remuneration to be paid to referees and deputy referees;
- (f) prescribing rules of procedure related to proceedings before a referee;
- (g) prescribing what may be included in determining the costs of proceedings under this Act.

**14.** Paragraph 20 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (a) A by-law passed under this paragraph may be restricted in its application to such defined areas of the municipality as are set out in the by-law.

**15.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

**16.** The short title of this Act is the *Line Fences Amendment Act, 1986*. Short title





# Bill 23

*(Chapter 47  
Statutes of Ontario, 1986)*

## **An Act to amend certain Acts in relation to Line Fences**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 13th, 1986
<i>3rd Reading</i>	November 18th, 1986
<i>Royal Assent</i>	November 18th, 1986

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**Bill 23**

**1986**

**An Act to amend certain Acts  
in relation to Line Fences**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clause 1 (1) (a) of the *Line Fences Act*, being chapter 242 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(a) “appeals division” means an appeals division established under this Act;

(aa) “Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council to whom the administration of this Act is assigned.

**(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:**

(ca) “referee” means a referee appointed under this Act.

**(3) Section 1 of the said Act is amended by adding thereto the following subsection:**

(4) Where a declaration has been registered under the *Condominium Act*, the condominium corporation and not the owners of the individual units shall be deemed to be the owner of the land described in the declaration for the purposes of this Act and,

Condominium  
corporations  
R.S.O. 1980,  
c. 84

(a) any payments the condominium corporation may be responsible for under this Act, including the costs of any proceeding, is a common expense for the purposes of the *Condominium Act*; and



- (b) any payment to be made to the condominium corporation under this Act is an asset of the condominium corporation.

**2. Section 2 of the said Act is repealed and the following substituted therefor:**

Appointment  
of  
fence-viewers

**2.** The council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the remuneration to be paid to the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or reattendance by the fence-viewers.

**3. Subsection 4 (1) of the said Act is amended by inserting after "notify" in the seventh line "in the prescribed form".**

**4. The said Act is amended by adding thereto the following section:**

Postponement  
of view

**4a.—**(1) Where a day has been named under this Act for an arbitration or other proceeding requiring the attendance or reattendance of the fence-viewers, other than an appeal before the referee, the clerk of the municipality may postpone the arbitration or other proceeding to another day if in the clerk's opinion weather conditions or ground conditions make it impracticable for the arbitration to be held on the day originally named for the attendance or reattendance and where there is a postponement, the clerk shall forthwith,

- (a) give notice of the postponement to the persons entitled to receive notice of the original attendance or reattendance; and
- (b) give new notices in the same manner to the persons who were entitled to receive notice of the original attendance or reattendance naming a day for the arbitration or other proceeding that is not later than fifteen days after the previous day so named.

Winter  
months

(2) The council of every local municipality may provide by by-law that no arbitration or other proceeding requiring the attendance or reattendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year or during such shorter period between those dates as may be set out in the by-law.

Idem

(3) Where a by-law has been passed under subsection (2), a proceeding requiring the attendance or reattendance of fence-

viewers during the period set out in the by-law shall be postponed until the expiry of the period.

(4) A by-law passed under subsection (2) does not apply to an appeal before a referee. Idem

**5. Subsection 7 (2) of the said Act is repealed and the following substituted therefor:**

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be located, the benefit to both owners of having the boundary between their lands marked by a fence and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. Matters to be considered

**6. Section 8 of the said Act is amended by adding thereto the following subsection:**

(3) Unless otherwise proven, the copy of the award shall be deemed to have been received by those persons mentioned in subsection (1) seven days after the mailing of the award. When award received

**7.—(1) Sections 9 and 10 of the said Act are repealed and the following substituted therefor:**

**9.—(1)** An owner dissatisfied with the award may appeal therefrom to the referee for the appeals division in which the land is situate by serving on the owner or occupant of the adjoining land, within fifteen days of receiving a copy of the award made under section 7, a notice of appeal in the prescribed form and by filing a copy of the notice together with an affidavit of service of the notice in the prescribed form with, and by paying the prescribed fees to, the clerk of the local municipality in which the land is situate within that period. Appeal

(2) A notice under subsection (1) shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. Service of notice

(3) Upon the filing of the copies of the notices and the affidavits and the payment of the fees mentioned in subsection (1), the clerk shall forthwith notify the referee for the appeals division of the appeal and the referee shall forthwith fix the time and place for the hearing of the appeal and advise the clerk of the time and place so fixed. Notice to referee, etc.

Notice of  
hearing

(4) The clerk shall cause notice of the time and place of the appeal to be served on the person served with a notice under subsection (1) and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice under section 4.

Powers of  
referee

(5) The referee shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of the costs of the proceedings by either party and fix the amount of the costs.

Decision  
of referee  
to be final

(6) The decision of the referee is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

Indemnity  
for costs

(7) The referee may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Where land  
in more than  
one appeals  
division

(8) Notwithstanding subsections (1) and (3), when the award affects land in two or more appeals divisions, the appeal may be to the referee of the appeals division in which any part of the land is situate and in such case the documents mentioned in subsection (1) shall be filed with the clerk of the municipality in the appeals division in which the appeal is to be heard.

Copy of  
decision

(9) The clerk shall send by registered mail a copy of the referee's final decision and order, if any, in the proceedings to the parties at their last known addresses and to the Minister.

Payment to  
Treasurer of  
Ontario

(10) The fees mentioned in subsection (1) shall be paid over by the clerk to the Treasurer of Ontario.

(2) Where, before the coming into force of this section, copies of the notices of appeal and the affidavits mentioned in subsection 9 (1) of the said Act, as that subsection read immediately before the coming into force of this section, were filed with the clerk of the small claims court, the appeal shall be heard and disposed of in accordance with the said Act as it read immediately before the coming into force of this section.

**8. Subsection 13 (8) of the said Act is repealed and the following substituted therefor:**

Costs

(8) Where the fence-viewers make a determination under subsection (6), they shall specify the costs of the proceedings under this section and that the costs be paid by the adjoining



owner or the other owner or that a specified portion of the costs be paid by each of them.

**9.** Subsection 14 (1) of the said Act is amended by striking out “fees of the fence-viewers” in the twelfth line and inserting in lieu thereof “costs of the proceedings” and by striking out “fees” in the fourteenth line and inserting in lieu thereof “costs”.

**10.** The said Act is further amended by adding thereto the following section:

**16a.**—(1) The council of every local municipality may by by-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under this Act but, where maximum administrative fees are prescribed, the fees so fixed shall not exceed the maximum so prescribed.

Adminis-  
trative  
fees of  
municipality

(2) Subsections 17 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to the administrative fees payable to the municipality under subsection (1).

Idem

**11.** Subsection 18 (1) of the said Act is amended by adding at the commencement thereof “Notwithstanding section 24”.

**12.** Sections 24 and 25 of the said Act are repealed and the following substituted therefor:

**24.**—(1) Notwithstanding sections 22 and 23, this Act does not apply to any lands that constitute a public highway including lands abutting a public highway that are held as a reserve by a municipality or other public authority to separate lands abutting the reserve from the public highway.

Act does not  
apply to  
public  
highways

(2) Subsection (1) does not apply so as to prevent the entering into of agreements under subsection 22 (3) with respect to line fences to mark the boundary between a public highway or a reserve and adjoining lands.

Agreements  
under  
subs. 22 (3)

**25.** This Act does not apply to land where the land is in an area that is subject to a by-law passed under paragraph 20 of section 210 of the *Municipal Act*.

Effect of by-  
law under  
section 210,  
par. 20 of  
R.S.O. 1980,  
c. 302

**25a.**—(1) The Lieutenant Governor in Council shall establish one or more appeals divisions, as the Lieutenant Governor in Council considers advisable, so that all lands in Ontario are in an appeals division.

Appeals  
divisions



Appointment  
of referee

(2) The Lieutenant Governor in Council shall appoint a referee for the purposes of this Act for each appeals division.

Deputy  
referees

(3) The Lieutenant Governor in Council may appoint one or more deputy referees for the purposes of this Act for each appeals division and a deputy referee has the same powers and duties as a referee and shall have jurisdiction in the appeals division named in the deputy referee's appointment.

Additional  
jurisdiction

(4) A referee or deputy referee may be authorized by the Lieutenant Governor in Council to have jurisdiction in more than one appeals division.

Assignment  
of hearings

(5) A deputy referee shall hear such appeals as are assigned to the deputy referee by the referee for the appeals division to which the deputy referee is appointed.

Remuneration

(6) Referees and deputy referees shall be paid such remuneration as may be prescribed together with reasonable expenses.

Clerk on  
hearing of  
appeals

**25b.**—(1) The clerk of the municipality in which an appeal is filed under section 9 shall be the clerk for the purposes of an appeal under that section.

Support  
services

(2) The corporation of the municipality in which an appeal is filed under section 9 shall provide a suitable room for holding the hearing and shall provide all necessary stenographic and other support services as may be required for the purposes of the appeal.

Idem

(3) Support services not related to a specific appeal shall be supplied to the referees and deputy referees by the ministry of the Minister.

**13. Section 27 of the said Act is repealed and the following substituted therefor:**

Regulations

**27.** The Lieutenant Governor in Council may make regulations,

- (a) to provide for determining how costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned and for providing for the manner in which any amount so apportioned shall be recovered and providing for appeals to a referee in relation to such lands;

- (b) prescribing appeals divisions, the territorial limits of the divisions and the place at which any notices to be given to the referee for any such division may be served;
- (c) prescribing fees in relation to appeals before a referee;
- (d) prescribing maximum limits of administrative fees for the purposes of section 16a;
- (e) prescribing the remuneration to be paid to referees and deputy referees;
- (f) prescribing rules of procedure related to proceedings before a referee;
- (g) prescribing what may be included in determining the costs of proceedings under this Act.

**14. Paragraph 20 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

- (a) A by-law passed under this paragraph may be restricted in its application to such defined areas of the municipality as are set out in the by-law.

**15. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.** Commence-  
ment

**16. The short title of this Act is the *Line Fences Amendment Act, 1986*.** Short title









# Bill 24

## **An Act to amend the Small Business Development Corporations Act**

**The Hon. R. Nixon**  
*Minister of Revenue*

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*1st Reading*      May 13th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

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## EXPLANATORY NOTES

The purpose of the Bill is,

- (a) to combine the special incentive fund from which grants and tax credits related to investment in new enterprises were drawn with the general fund; these grants and tax credits will now be drawn from the northern and eastern Ontario incentive fund with respect to corporations investing exclusively in small businesses operating in northern and eastern Ontario and from the general fund for all other corporations;
- (b) to authorize the Minister to deny a payment from the trust fund established under section 8 of the Act where there is any violation of the Act, the regulations or the spirit and intent of the Act;
- (c) to permit a Northern and Eastern small business development corporation that has not yet restricted its activities to investments in northern and eastern Ontario to be registered provided that the corporation undertakes to file articles of amendment to so restrict its activities; and
- (d) to update cross references to other statutes and otherwise to clarify the meaning of the Act.

**SECTION 1.** This change reflects the repeal of the *Family Law Reform Act* and the enactment of the *Family Law Act, 1986*. Clause 1 (1) (p) now reads as follows:

- (p) "*spouse*" means spouse as defined in section 1 and subclause 14 (b) (i) of the *Family Law Reform Act*.

**SECTION 2.—Subsection 1.** This change reflects the repeal of the *Business Corporations Act* and the enactment of the *Business Corporations Act, 1982*. Clause 4 (a) now reads as follows:

- (a) *the corporation complies with all provisions of the Business Corporations Act.*

**Subsection 2.** This subsection will permit a Northern and Eastern small business development corporation that is not yet restricted in activities to investments in northern and eastern Ontario to be registered provided that the corporation undertakes to file articles of amendment to so restrict its activities. Clause 4 (d) now reads as follows:

- (d) *the articles of the corporation restrict the business of the corporation to assisting in the development of small businesses by,*
  - (i) *providing capital through the acquisition and holding of securities as permitted by this Act,*
  - (ii) *providing business and managerial expertise to small businesses, or*
  - (iii) *in the case of a Northern and Eastern small business development corporation, by providing the assistance described in subclauses (i) and (ii) to small businesses which meet the requirements of clause 9 (1) (a).*

**SECTION 3.** This section authorizes the Minister to deny a payment from the trust fund established under section 8 of the Act where there is any violation of the Act or the regulations. Subsection 5 (3) now reads as follows:

- (3) *Subject to section 28, the Minister may revoke a registration where the registrant fails to comply with any provision of this Act or the regulations.*

**SECTION 4.** This section removes from the Act the description of eligible investments that may be made by a small business development corporation whose shareholders have

received a grant or tax credit from the new enterprise incentive fund. In his Budget, the Treasurer announced that the special incentive fund would be combined with the general fund; grants and tax credits will henceforth be drawn from the northern and eastern Ontario incentive fund with respect to corporations investing exclusively in small businesses operating in northern and eastern Ontario and from the general fund for all other corporations. Subsection 7 (4) now reads as follows:

*(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a (1) (a) or (b), each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment,*

*(a) where the small business development corporation is a Northern and Eastern small business development corporation, in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and*

*(b) where the small business development corporation is not a Northern and Eastern small business development corporation,*

*(i) in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund prior to the 24th day of October, 1985, or*

*(ii) in a new enterprise, if the grant or tax credit was paid or allowed out of the new enterprise incentive fund.*

**SECTION 5.—Subsection 1.** This subsection ensures that the trust fund established under section 8 of the Act will be treated in the same manner upon the termination of registration of a small business development corporation whether that termination results from revocation or voluntary surrender. Subsection 8 (5) now reads as follows:

*(5) Where the registration of a small business development corporation is revoked, the amount then remaining in the trust fund established under subsection (1) is immediately payable to the Crown, and the receipt of the Minister therefor is a full and sufficient discharge to any trustee for such money or to any other person or corporation having control of the trust funds, for the payment over of such money to the Crown, and such payment is a full and complete discharge to the person or corporation making it and for any claim to such payment by any person or corporation that claims to be entitled to the funds.*

**Subsection 2.** This subsection properly designates the clause to which the subsection refers. Subsection 8 (7) now reads as follows:

*(7) Notwithstanding subsections (1) and (2), where the Minister has paid a grant pursuant to subsection 21 (8) or allowed a tax credit pursuant to subsection 22 (3), or where an applicant is deemed to have made an investment in equity shares of a small business development corporation pursuant to subsection 21 (9) or 22 (4), a small business development corporation shall set aside an amount of money equal to 30 per cent of all amounts received by it as equity capital prior to the 24th day of October, 1985, and the Minister shall permit payment from the fund in accordance with clause (2) (b).*

**SECTION 6.** This section clarifies a cross-reference. Clause 17 (2) (a) now reads as follows:

*(a) any arrangement under section 181 of the Business Corporations Act, 1982 that it proposes to place before its shareholders for approval.*

**SECTION 7.** This section authorizes the Minister to deny a payment from the trust fund established under section 8 of the Act where there is any violation of the spirit or intent of the Act. Subsection 20 (3) now reads as follows:



(3) Subject to section 28, where the Minister is of the opinion that the small business development corporation, its officers or directors, or its shareholders are conducting their business and affairs in a manner that is contrary to the spirit and intent of this Act or for the purpose of obtaining a grant or tax credit to which they would not otherwise be entitled, the Minister may,

- (a) revoke the registration of the small business development corporation; or
- (b) refuse to pay a grant under section 21 or allow a tax credit under section 22.

**SECTION 8.** This section merges into the general fund the special incentive fund from which grants and tax credits related to investment in new enterprises were drawn; these grants and tax credits will henceforth be drawn from the northern and eastern Ontario incentive fund with respect to corporations investing exclusively in small businesses operating in northern and eastern Ontario and from the general fund for all other corporations. Section 22a now reads as follows:

22a.—(1) The moneys appropriated by the Legislature for the payment of grants and the allowance of tax credits under this Act shall be held by the Minister in accordance with subsection (2) in separate funds, being,

- (a) the northern and eastern Ontario incentive fund;
- (b) the new enterprise incentive fund; and
- (c) the general fund.

(2) The amount or percentage of the moneys appropriated by the Legislature for the payment of grants and the allowance of tax credits under this Act that shall be allocated in each year to the incentive funds described in clause (1) (a) or (b) shall be the amount or percentage that is from time to time specified by order of the Lieutenant Governor in Council made on the recommendation of the Treasurer of Ontario and Minister of Economics.

(3) Before the Minister makes a grant or allows a tax credit to a shareholder of a small business development corporation that is not a Northern and Eastern small business development corporation in respect of equity shares issued on or after the 24th day of October, 1985, the small business development corporation shall file an election in the prescribed form designating, with respect to each such equity share, the fund described in clause (1) (b) or (c) from which a grant or tax credit is to be paid or allowed to the holder of such equity share.

(4) The Minister shall make a grant or allow a credit to a shareholder of a small business development corporation with respect to each equity share issued on or after the 24th day of October, 1985,

- (a) from the fund described in clause (1) (a), where the small business development corporation that issued the share is a Northern and Eastern small business development corporation; or
- (b) from the fund designated by the small business development corporation in the election filed under subsection (3) where the small business development corporation that issued the share is not a Northern and Eastern small business development corporation.

**SECTION 9.** This section ensures that the recovery of grants or credits will be treated in the same manner upon the termination of registration of a small business development corporation whether that termination results from revocation or voluntary surrender. The section also clarifies the calculation of the amount recovered. The affected portions of section 24 now read as follows:

24. Where a small business development corporation proposes to wind up or dissolve, or where its registration is revoked, or any of its equity shares are purchased or otherwise acquired by the small business development corporation, the small business development corporation shall immediately pay to the Minister an amount of money calculated according to the following rules:

3. Where the registration of a small business development corporation is revoked or where the corporation proposes to wind up or dissolve, it shall pay the Minister,

- (a) in the case of a small business development corporation registered prior to the 24th day of October, 1985,

- (i) where, at the time of the revocation, winding up or dissolution, the small business development corporation is not maintaining 70 per cent of its assets in the form of eligible investments or is not complying with the Act, the spirit and intent of the Act and the regulations, an amount equal to,

and outstanding at the time of revocation, winding up or dissolution, calculated in the manner prescribed, or

- (ii) 25 per cent of the value of all the small business development corporation's shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all equity shares issued and outstanding at the time of the revocation, winding up or dissolution, calculated in the manner prescribed, where, at the time of the revocation, winding up or dissolution, the small business development corporation is maintaining 70 per cent of its assets in the form of eligible investments and is complying with the Act, the spirit and intent of the Act and the regulations;

- (b) in the case of a small business development corporation registered after the 24th day of October, 1985, an amount equal to,

of the value of all of the small business development corporation's shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all equity shares issued and outstanding at the time of revocation, winding up or dissolution calculated in the manner prescribed.

4. Subject to paragraph 6, where a small business development corporation reduces by any other means the stated capital account of any class or series of equity shares, the small business development corporation shall pay to the Minister,

- (a) in the case of a reduction of stated capital with respect to shares issued prior to the 24th day of October, 1985, an amount equal to the lesser of the aggregate of the grants and tax credits made or allowed by the Minister in respect of all equity shares previously issued by the small business development corporation less any amounts previously paid to the Minister under this section and either,

- (i) 30 per cent of the amount of the reduction to the stated capital accounts where, at the time of the reduction of stated capital, the small business development corporation does not maintain at least 70 per

*cent of its assets in the form of eligible investments or is not complying fully with the Act, the spirit and intent of the Act or the regulations, or*

- (ii) 25 per cent of the amount of the reduction to the stated capital accounts where, at the time of the reduction of stated capital, the small business development corporation is maintaining at least 70 per cent of its assets in the form of eligible investments and is complying fully with the Act, the spirit and the intent of the Act and the regulations;*
- (b) in the case of a reduction of stated capital with respect to shares issued on or after the 24th day of October, 1985, an amount of money equal to the lesser of the aggregate of the grants and tax credits made or allowed by the Minister in respect of all equity shares previously issued by the small business development corporation less any amounts previously paid to the Minister under this subsection and either,*
  - (i) 30 per cent of the amount of the reduction to the stated capital accounts where the share is a share of a Northern and Eastern small business development corporation, or*
  - (ii) 25 per cent of the amount of the reduction to the stated capital accounts where the share is a share of a small business development corporation that is not a Northern and Eastern small business development corporation.*

**SECTION 10.** This section provides a method for objecting to certain refusals of the Minister to permit a payment from the trust fund established under section 8 of the Act. Subsection 28 (1) now reads as follows:

- (1) Where the Minister proposes,*
  - (a) to refuse to register a corporation under this Act;*
  - (b) to revoke the registration of a small business development corporation;*
  - (c) to refuse to make a grant under section 21; or*
  - (d) to refuse to allow a tax credit under section 22,*

*he shall serve notice of his proposal, together with written reasons therefor on the applicant or registrant.*

**SECTION 11.** This section ensures that the recovery of grants or credits under section 24 of the Act will be treated in the same manner upon the termination of registration of a small business development corporation whether that termination results from revocation or voluntary surrender. Clause 34 (1) (e) now reads as follows:

- (e) prescribing the method of calculation of the consideration to be paid for each equity share under section 24 where a small business development corporation proposes to dissolve, or where its registration is revoked, or any of its equity shares are purchased or otherwise acquired by the small business development corporation.*



Bill 24

1986

**An Act to amend the  
Small Business Development Corporations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause 1 (1) (p) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 30, section 1, is repealed and the following substituted therefor:

- (p) "spouse" means spouse as defined in section 29 of the *Family Law Act, 1986*.

1986, c. 4

**2.—(1)** Clause 4 (a) of the said Act is amended by striking out "*Business Corporations Act*" in the second line and inserting in lieu thereof "*Business Corporations Act, 1982*".

**(2)** Clause 4 (d) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 3, is repealed and the following substituted therefor:

- (d) the articles of the corporation restrict the business of the corporation to assisting in the development of small businesses by,
- (i) providing capital through the acquisition and holding of securities as permitted by this Act,
  - (ii) providing business and managerial expertise to small businesses, or
  - (iii) in the case of a Northern and Eastern small business development corporation, by providing the assistance described in subclauses (i) and (ii) to small businesses which meet the requirements of clause 9 (1) (a),



or, in the case of a Northern and Eastern small business development corporation, the corporation has provided at the time of registration an undertaking satisfactory to the Minister to file articles of amendment restricting the business of the corporation to assisting in the development of small business in a manner described in subclause (iii).

**3. Subsection 5 (3) of the said Act is amended by inserting after “may” in the first line “refuse to permit a payment from the trust fund established under section 8 or”.**

**4. Subsection 7 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 5, is repealed and the following substituted therefor:**

Idem

(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a (1) (a) or (c), or out of the new enterprise incentive fund as it was constituted at the date of election formerly required under this Act, each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment,

- (a) where the small business development corporation is a Northern and Eastern small business development corporation, in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and
- (b) where the small business development corporation is not a Northern and Eastern small business development corporation,
  - (i) in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund prior to the 24th day of October, 1985, or
  - (ii) in a small business in Ontario where the grant or tax credit was paid or allowed out of the general fund, or the new enterprise fund as formerly constituted.

**5.—(1) Subsection 8 (5) of the said Act is amended by inserting after “revoked” in the second line “or surrendered,”.**

(2) Subsection 8 (7) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 3, section 6, is amended by striking out "clause (2) (b)" in the tenth line and inserting in lieu thereof "clause (2) (a)".

6. Clause 17 (2) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 10, is amended by striking out "under section 181" in the first line and inserting in lieu thereof "described under clauses 181 (1) (a) to (i)".

7. Subsection 20 (3) of the said Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding thereto the following clause:

- (c) refuse to permit a payment from the trust fund established under section 8.

8.—(1) Clause 22a (1) (b) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is repealed.

(2) Subsection 22a (2) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is amended by striking out "funds described in clause (1) (a) or (b)" in the fourth and fifth lines and inserting in lieu thereof "fund described in clause (1) (a)".

(3) Subsections 22a (3) and (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 13, are repealed and the following substituted therefor:

(3) The Minister shall make a grant or allow a tax credit to a shareholder of a small business development corporation with respect to each equity share issued on or after the 24th day of October, 1985,

Payment  
from funds

- (a) from the fund described in clause (1) (a), where the small business development corporation that issued the share is a Northern and Eastern small business development corporation; or
- (b) from the fund described in clause (1) (c), where the small business development corporation that issued the share is not a Northern and Eastern small business development corporation.

9.—(1) Section 24 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 3, section 14, is further amended by inserting after "revoked" in the third line "or surrendered".

(2) Paragraph 3 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by,

- (a) inserting after "revoked" in the second line "or surrendered";
- (b) inserting after "revocation" in the first line and in the twenty-eighth line of sub-subparagraph (i) in each instance "surrender";
- (c) inserting after "revocation" in the eighth line of sub-subparagraph (ii) "surrender"; and
- (d) inserting after "revocation" in the sixteenth line of subparagraph (b) "surrender".

(3) Paragraph 4 of the said section 24, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by adding at the end thereof "and a reduction of stated capital or a reduction to the stated capital accounts shall include any amount paid, or payable to the Minister pursuant to this section".

**10.** Subsection 28 (1) of the said Act is amended by adding thereto the following clause:

- (ba) to refuse to permit payment from the trust fund established under section 8 where that refusal does not result from a determination by the Minister that any investment or proposed investment is ineligible under this Act.

**11.** Clause 34 (1) (e) of the said Act is amended by inserting after "revoked" in the fifth line "or surrendered".

Commence-  
ment

**12.** This Act comes into force on the day following the day it receives Royal Assent.

Short title

**13.** The short title of this Act is the *Small Business Development Corporations Amendment Act, 1986*.

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# Bill 24

*(Chapter 38  
Statutes of Ontario, 1986)*

## **An Act to amend the Small Business Development Corporations Act**

**The Hon. R. Nixon**  
*Minister of Revenue*

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<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 16th, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986

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Bill 24

1986

**An Act to amend the  
Small Business Development Corporations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause 1 (1) (p) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 30, section 1, is repealed and the following substituted therefor:

- (p) "spouse" means spouse as defined in section 29 of the *Family Law Act, 1986*.

1986, c. 4

**2.—(1)** Clause 4 (a) of the said Act is amended by striking out "*Business Corporations Act*" in the second line and inserting in lieu thereof "*Business Corporations Act, 1982*".

**(2)** Clause 4 (d) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 3, is repealed and the following substituted therefor:

- (d) the articles of the corporation restrict the business of the corporation to assisting in the development of small businesses by,
- (i) providing capital through the acquisition and holding of securities as permitted by this Act,
  - (ii) providing business and managerial expertise to small businesses, or
  - (iii) in the case of a Northern and Eastern small business development corporation, by providing the assistance described in subclauses (i) and (ii) to small businesses which meet the requirements of clause 9 (1) (a),



or, in the case of a Northern and Eastern small business development corporation, the corporation has provided at the time of registration an undertaking satisfactory to the Minister to file articles of amendment restricting the business of the corporation to assisting in the development of small business in a manner described in subclause (iii).

**3. Subsection 5 (3) of the said Act is amended by inserting after "may" in the first line "refuse to permit a payment from the trust fund established under section 8 or".**

**4. Subsection 7 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 5, is repealed and the following substituted therefor:**

Idem

(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a (1) (a) or (c), or out of the new enterprise incentive fund as it was constituted at the date of election formerly required under this Act, each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment,

- (a) where the small business development corporation is a Northern and Eastern small business development corporation, in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and
- (b) where the small business development corporation is not a Northern and Eastern small business development corporation,
  - (i) in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund prior to the 24th day of October, 1985, or
  - (ii) in a small business in Ontario where the grant or tax credit was paid or allowed out of the general fund, or the new enterprise fund as formerly constituted.

**5.—(1) Subsection 8 (5) of the said Act is amended by inserting after "revoked" in the second line "or surrendered,".**

(2) Subsection 8 (7) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 3, section 6, is amended by striking out "clause (2) (b)" in the tenth line and inserting in lieu thereof "clause (2) (a)".

6. Clause 17 (2) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 10, is amended by striking out "under section 181" in the first line and inserting in lieu thereof "described under clauses 181 (1) (a) to (i)".

7. Subsection 20 (3) of the said Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding thereto the following clause:

- (c) refuse to permit a payment from the trust fund established under section 8.

8.—(1) Clause 22a (1) (b) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is repealed.

(2) Subsection 22a (2) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is amended by striking out "funds described in clause (1) (a) or (b)" in the fourth and fifth lines and inserting in lieu thereof "fund described in clause (1) (a)".

(3) Subsections 22a (3) and (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 13, are repealed and the following substituted therefor:

(3) The Minister shall make a grant or allow a tax credit to a shareholder of a small business development corporation with respect to each equity share issued on or after the 24th day of October, 1985, Payment  
from funds

- (a) from the fund described in clause (1) (a), where the small business development corporation that issued the share is a Northern and Eastern small business development corporation; or

- (b) from the fund described in clause (1) (c), where the small business development corporation that issued the share is not a Northern and Eastern small business development corporation.

9.—(1) Section 24 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 3, section 14, is further amended by inserting after "revoked" in the third line "or surrendered".

(2) Paragraph 3 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by,

- (a) inserting after "revoked" in the second line "or surrendered";
- (b) inserting after "revocation" in the first line and in the twenty-eighth line of sub-subparagraph (i) in each instance "surrender";
- (c) inserting after "revocation" in the eighth line of sub-subparagraph (ii) "surrender"; and
- (d) inserting after "revocation" in the sixteenth line of subparagraph (b) "surrender".

(3) Paragraph 4 of the said section 24, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by adding at the end thereof "and a reduction of stated capital or a reduction to the stated capital accounts shall include any amount paid, or payable to the Minister pursuant to this section".

**10.** Subsection 28 (1) of the said Act is amended by adding thereto the following clause:

- (ba) to refuse to permit payment from the trust fund established under section 8 where that refusal does not result from a determination by the Minister that any investment or proposed investment is ineligible under this Act.

**11.** Clause 34 (1) (e) of the said Act is amended by inserting after "revoked" in the fifth line "or surrendered".

Commence-  
ment

**12.** This Act comes into force on the day following the day it receives Royal Assent.

Short title

**13.** The short title of this Act is the *Small Business Development Corporations Amendment Act, 1986*.

## Roll 7A

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

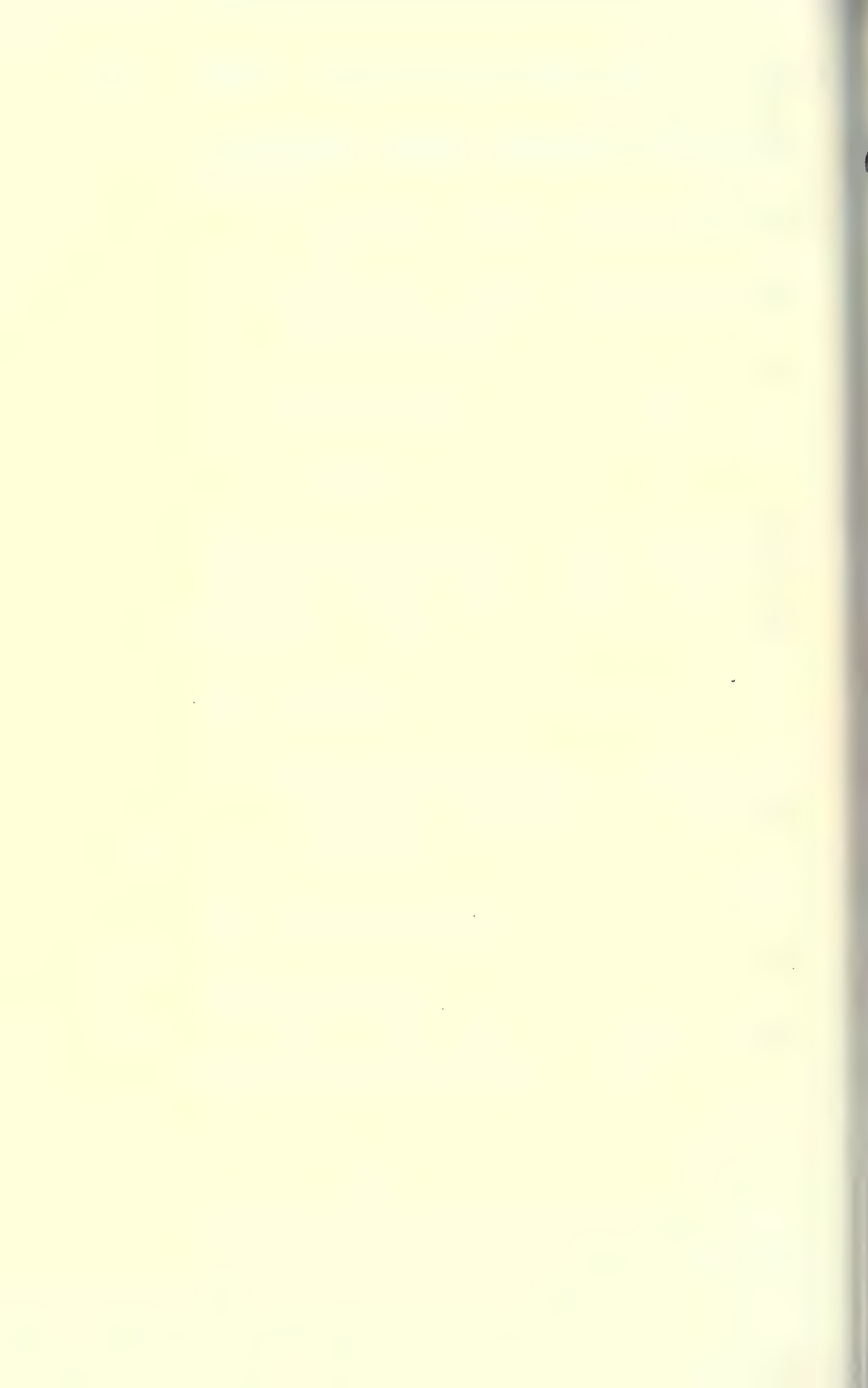
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

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Section 106, National Historic Preservation Act  
Antiquities Act  
National Monument  
National Historic Site

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# Bill 25

## **An Act to amend the District Municipality of Muskoka Act**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

**SECTION 1.** At present, the chairman of the District Council is elected at the first meeting of the council held in December in an election year. Under the proposed section 6a, the mayors-elect of the area municipalities and the members-elect of the District Council will meet on the fourth Monday in November in an election year to elect the chairman.

**SECTION 2.** The repeal of subsections 7 (1) and (3) is complementary to the enactment of section 6a, as set out in section 1 of the Bill. It is proposed that the present subsections 7 (4) and (5) be re-enacted as section 14 of the Act, as set out in section 4 of the Bill.

**SECTION 3.** At present, the District Council cannot hold its first meeting after a regular election until after the councils of the area municipalities have held their first meetings. The re-enactment of subsection 8 (2) deletes this restriction. The other amendments to section 8 are complementary to the enactment of section 6a of the Act as set out in section 1 of the Bill.

**SECTION 4.** Subsections 7 (4) and (5) and section 14 provide for the appointment of an acting chairman. It is proposed that the present section 14 be repealed as it is considered to be redundant. The present subsections 7 (4) and (5) will be re-enacted as section 14.

**SECTION 5.** It is proposed that subsection 19 (4) of the Act be repealed. The said subsection relates to conflicts of interest. Conflicts of interest are now governed by the *Municipal Conflict of Interest Act, 1983*.

**SECTION 6.** The District Corporation will be authorized to include the revenues and expenditures of a home maintained by it under the *Homes for the Aged and Rest Homes Act* in the revenues and expenditures of the District Corporation. The District Corporation will not be required to maintain a separate bank account for such a home.

**SECTION 7.** The proposed amendment to subsection 82 (4) of the Act will permit the District Council to expend money in its pollution control fund for the installation of water systems.

**SECTION 8.** At present, the debentures to be redeemed on each anniversary of the date of the debentures are selected by lot by the treasurer of the District Corporation at a public meeting of the District Council. The proposed amendment will permit the District Council to prescribe the manner of making the selection by lot.

**SECTION 9.—Subsection 1.** Section 115 and paragraph 11 of section 208 are added as provisions of the *Municipal Act* that apply to the District Corporation. Section 115 authorizes municipalities to award fellowships, scholarships and similar prizes. Paragraph 11 of section 208 allows municipalities to pay membership fees in municipal associations for councillors and appointed officers.

**Subsection 2.** The re-enactment changes a reference to the *Mortmain and Charitable Uses Act* to read as a reference to the *Charities Accounting Act*. The former Act has been repealed. Section 6c of the latter Act authorizes a municipal corporation to hold land for charitable purposes.

Bill 25

1986

**An Act to amend the  
District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. The *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:**

**6a.**—(1) The chairman shall be elected at a meeting of the mayors-elect of the area municipalities and the members-elect of the District Council which meeting shall be held on the fourth Monday in November or within seven days thereafter in each year in which there is a regular election.

Election of  
chairman

(2) The mayors-elect of the area municipalities and the members-elect of the District Council may nominate any person as chairman including a member or member-elect of the District Council or a member or member-elect of an area council.

Nominations

(3) Nominations for the office of chairman shall be submitted to the clerk of the District Corporation not later than 5 o'clock in the afternoon of the third Monday in November in the year in which an election is to be held under subsection (1).

Idem

(4) The clerk of each area municipality shall certify, forthwith after the day of the election, under the seal of the area municipality, to the clerk of the District Corporation, the name of the person who is the mayor-elect and of each person who is a member-elect of the District Council representing the area municipality and a person shall not participate in a meeting held under this section until the clerk of the District Corporation has received such a certificate in respect of that person.

Certificate  
of qualifi-  
cation



Clerk to  
preside

(5) The clerk shall preside at meetings held under this section and no business other than the election of the chairman shall be considered at such a meeting.

Declaration  
of office  
R.S.O. 1980,  
c. 302

(6) No person shall vote in the election of the chairman until after the declarations of office in Form 3 of the *Municipal Act* have been made by all persons who present themselves for that purpose.

Oath and  
declaration

(7) The chairman, when elected, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Term of  
office

(8) The chairman shall hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Failure to  
elect  
chairman

(9) If at the meeting referred to in subsection (1), a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within seven days after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Quorum

(10) At least twelve persons representing at least four area municipalities are necessary to form a quorum for a meeting held under this section and the concurring votes of a majority of those present are necessary to elect the chairman.

Qualification

(11) Where the person who is elected or appointed as chairman is a member-elect of the council of an area municipality,

- (a) the clerk of the District Corporation shall forthwith notify the clerk of the area municipality of the election or appointment;
- (b) the person shall not take his seat on the area council; and
- (c) the council of the area municipality shall declare the seat of the person on the area council to be vacant.

**2. Subsections 7 (1), (3), (4) and (5) of the said Act are repealed.**

**3. Subsections 8 (2), (3), (4), (5) and (6) of the said Act are repealed and the following substituted therefor:**

(2) The first meeting of the District Council after a regular election shall be held on such date and at such time and place as may be fixed by by-law of the District Council which date shall not be later than the fourteenth day following the day on which the term of office in respect of which the election was held commences.

First meeting  
of District  
Council

(3) Where a person is elected or appointed to represent an area municipality as a member of the District Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the District Corporation the name of each person who has been so elected or appointed.

Certificate of  
qualification

(4) A person entitled to be a member of the District Council in accordance with section 6 shall not take a seat as a member of the District Council until the clerk of the District Corporation has received the certificate referred to in subsection (3) and the person has made the declaration of office in Form 3 of the *Municipal Act*.

Declaration  
of members

R.S.O. 1980,  
c. 302

(5) Subsections (3) and (4) do not apply to a person with respect to whom a certificate has been received by the clerk of the District Corporation under subsection 6a (4) if the person has complied with subsection 6a (6).

Exception

(6) The chairman shall not preside at a meeting of the District Council unless the chairman has taken an oath of allegiance in Form 1 and made a declaration of qualification in Form 2.

When  
chairman  
may preside

**4. Section 14 of the said Act is repealed and the following substituted therefor:**

**14.—**(1) When the chairman is absent or refuses to act, or the office of chairman is vacant, the District Council may by resolution appoint one of its members to act in the place and stead of the chairman and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Acting  
chairman

(2) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or the chairman's office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

**5. Subsection 19 (4) of the said Act is repealed.**

**6. Section 59 of the said Act is amended by adding thereto the following subsection:**

Revenues  
and  
expenditures  
R.S.O. 1980,  
c. 203

(2) The revenues and expenditures of a home maintained by the District Corporation under the *Homes for the Aged and Rest Homes Act* may be included in the general revenues and expenditures of the District Corporation and the District Corporation shall not be required to maintain a separate bank account in relation thereto.

**7. Subsection 82 (4) of the said Act is amended by striking out "Part" in the third line and inserting in lieu thereof "Parts III and".**

**8. Clause 89 (c) of the said Act is amended by striking out "at a public meeting of the District Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by-law of the District Council".**

**9.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 65, section 6, is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 302

(1) Section 5, Parts XIII, XIV and XIX, sections 104a, 105, 106, 113, 115, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph (iii) of paragraph 62 and subparagraph (ii) of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

**(2) Subsection 108 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(6) The District Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Commence-  
ment

**10. This Act comes into force on the day it receives Royal Assent.**

Short title

**11. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1986*.**







# Bill 25

*(Chapter 48  
Statutes of Ontario, 1986)*

## **An Act to amend the District Municipality of Muskoka Act**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 13th, 1986
<i>3rd Reading</i>	November 18th, 1986
<i>Royal Assent</i>	November 18th, 1986

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Bill 25

1986

## An Act to amend the District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. The *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:**

**6a.**—(1) The chairman shall be elected at a meeting of the mayors-elect of the area municipalities and the members-elect of the District Council which meeting shall be held on the fourth Monday in November or within seven days thereafter in each year in which there is a regular election.

Election of  
chairman

(2) The mayors-elect of the area municipalities and the members-elect of the District Council may nominate any person as chairman including a member or member-elect of the District Council or a member or member-elect of an area council.

Nominations

(3) Nominations for the office of chairman shall be submitted to the clerk of the District Corporation not later than 5 o'clock in the afternoon of the third Monday in November in the year in which an election is to be held under subsection (1).

Idem

(4) The clerk of each area municipality shall certify, forthwith after the day of the election, under the seal of the area municipality, to the clerk of the District Corporation, the name of the person who is the mayor-elect and of each person who is a member-elect of the District Council representing the area municipality and a person shall not participate in a meeting held under this section until the clerk of the District Corporation has received such a certificate in respect of that person.

Certificate  
of qualifi-  
cation



Clerk to  
preside

(5) The clerk shall preside at meetings held under this section and no business other than the election of the chairman shall be considered at such a meeting.

Declaration  
of office  
R.S.O. 1980,  
c. 302

(6) No person shall vote in the election of the chairman until after the declarations of office in Form 3 of the *Municipal Act* have been made by all persons who present themselves for that purpose.

Oath and  
declaration

(7) The chairman, when elected, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Term of  
office

(8) The chairman shall hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Failure to  
elect  
chairman

(9) If at the meeting referred to in subsection (1), a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within seven days after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Quorum

(10) At least twelve persons representing at least four area municipalities are necessary to form a quorum for a meeting held under this section and the concurring votes of a majority of those present are necessary to elect the chairman.

Qualification

(11) Where the person who is elected or appointed as chairman is a member-elect of the council of an area municipality,

- (a) the clerk of the District Corporation shall forthwith notify the clerk of the area municipality of the election or appointment;
- (b) the person shall not take his seat on the area council; and
- (c) the council of the area municipality shall declare the seat of the person on the area council to be vacant.

**2. Subsections 7 (1), (3), (4) and (5) of the said Act are repealed.**

**3. Subsections 8 (2), (3), (4), (5) and (6) of the said Act are repealed and the following substituted therefor:**

(2) The first meeting of the District Council after a regular election shall be held on such date and at such time and place as may be fixed by by-law of the District Council which date shall not be later than the fourteenth day following the day on which the term of office in respect of which the election was held commences.

First meeting  
of District  
Council

(3) Where a person is elected or appointed to represent an area municipality as a member of the District Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the District Corporation the name of each person who has been so elected or appointed.

Certificate of  
qualification

(4) A person entitled to be a member of the District Council in accordance with section 6 shall not take a seat as a member of the District Council until the clerk of the District Corporation has received the certificate referred to in subsection (3) and the person has made the declaration of office in Form 3 of the *Municipal Act*.

Declaration  
of members

R.S.O. 1980,  
c. 302

(5) Subsections (3) and (4) do not apply to a person with respect to whom a certificate has been received by the clerk of the District Corporation under subsection 6a (4) if the person has complied with subsection 6a (6).

Exception

(6) The chairman shall not preside at a meeting of the District Council unless the chairman has taken an oath of allegiance in Form 1 and made a declaration of qualification in Form 2.

When  
chairman  
may preside

**4. Section 14 of the said Act is repealed and the following substituted therefor:**

**14.—**(1) When the chairman is absent or refuses to act, or the office of chairman is vacant, the District Council may by resolution appoint one of its members to act in the place and stead of the chairman and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Acting  
chairman

(2) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or the chairman's office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

**5. Subsection 19 (4) of the said Act is repealed.**

**6. Section 59 of the said Act is amended by adding thereto the following subsection:**

Revenues  
and  
expenditures  
R.S.O. 1980,  
c. 203

(2) The revenues and expenditures of a home maintained by the District Corporation under the *Homes for the Aged and Rest Homes Act* may be included in the general revenues and expenditures of the District Corporation and the District Corporation shall not be required to maintain a separate bank account in relation thereto.

**7. Subsection 82 (4) of the said Act is amended by striking out “Part” in the third line and inserting in lieu thereof “Parts III and”.**

**8. Clause 89 (c) of the said Act is amended by striking out “at a public meeting of the District Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the District Council”.**

**9.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 65, section 6, is repealed and the following substituted therefor:**

Application  
of  
R.S.O.1980,  
c. 302

(1) Section 5, Parts XIII, XIV and XIX, sections 104a, 105, 106, 113, 115, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph (iii) of paragraph 62 and subparagraph (ii) of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

**(2) Subsection 108 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O.1980,  
c. 65

(6) The District Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Commence-  
ment

**10. This Act comes into force on the day it receives Royal Assent.**

Short title

**11. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1986*.**







# Bill 26

## **An Act to amend the Retail Sales Tax Act**

**The Hon. R. Nixon**  
*Minister of Revenue*

---

*1st Reading*      May 13th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

The purpose of the Bill is,

- (a) to expand the exemption from tax to the purchaser of prepared food products purchased from an eating establishment to include prepared food products sold at a price that does not exceed two dollars;
- (b) to improve the cash flow of farmers and universities by providing an exemption from tax, rather than the rebate previously available, to farmers with respect to materials used in constructing grain storage bins and grain dryers and to universities purchasing equipment used exclusively in research;
- (c) to provide a rebate, rather than an exemption from tax, for the purchasers of vehicles powered by alternate fuels or converted to the use of such fuels, and limiting the maximum rebate to \$750 for vehicles converted to the use of propane and \$1,000 for vehicles converted to the use of other alternate fuels;
- (d) to end the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor trailer or semi-trailer beginning with vehicles delivered after December 31st, 1986;
- (e) to limit the exemption available to the purchaser of admission to a performance sponsored by charities, clubs and labour organizations, to amateur performances and performances using Canadian performers and to limit the exemption available with respect to performances sponsored by agricultural societies to performances, other than sporting events, that occur during an agricultural fair;
- (f) to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt;
- (g) to provide the Minister with improved mechanisms for the collection of tax that has not been remitted;
- (h) to remove redundant expressions, to update cross-references to other statutes and otherwise to clarify the meaning of the Act.

**SECTION 1.—Subsection 1.** This subsection clarifies the meaning of the Act by removing certain expressions that are not in common use. Paragraph 9 of section 1 now reads as follows:

9. *"place of amusement" means an amusement park or a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance or entertainment is staged or held or where facilities for dancing are provided to the public with the service of liquor, beer or wine and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise.*

**Subsection 2.** This subsection provides that a sale will occur when a purchaser contracts for the future delivery of repair parts and labour; tax is payable at the time of sale. This subsection is related to the changes contained in subsection 1 (4), section 2 and subsections 4 (2) and (11) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt. Clause (a) of paragraph 17 will now read as follows:

- (a) *any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property or renders or undertakes to render to another person a taxable service.*

**Subsections 3 and 4.** Subsection (4) clarifies the meaning of "install" and provides that a contract for the future delivery of repair parts and labour will be treated as a taxable service. This subsection is related to the changes contained in subsection 1 (2), section 2 and subsections 4 (2) and (10) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt. Paragraph 21 now reads as follows:

21. "*taxable service*" means,

- (a) *telecommunication services of all kinds, including without restricting the generality of the foregoing, telephone and telegraph services, community antenna television and cable television, transmissions by microwave relay stations or by satellite, and pay television, but not including public broadcasting services that are broadcast through the air for direct reception by the public without charge,*
- (b) *transient accommodation, or*
- (c) *labour provided to install, adjust, repair or maintain tangible personal property.*

**SECTION 2.** This section is consequent on the change to paragraph 21 of section 1 of the Act contained in subsection 1 (4) of the Bill. Subsection 2 (3) now reads as follows:

(3) *Every purchaser of a taxable service described in clause (a) or (c) of paragraph 21 of section 1 shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 7 per cent of the fair value thereof.*

**SECTION 3.** This section simplifies the requirements of the Act with respect to changes in a vendor's permit resulting from a change in the name, address or nature of the business. Subsection 3 (1a) now reads as follows:

(1a) *Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name or nature of his business he shall notify the Minister of the change forthwith and the Minister may issue a new permit, and, where the Minister issues a new permit, the vendor shall return his original permit to the Minister forthwith for cancellation.*

**SECTION 4.—Subsection 1.** This subsection expands the exemption from tax to the purchaser of prepared food products purchased from an eating establishment to include prepared food products sold at a price that does not exceed two dollars. Paragraph 1 now reads as follows:

1. *food products for human consumption except,*

- (a) *candies, confections, snack foods and soft drinks, other than soft drinks sold with prepared food products from an eating establishment, as defined by the Minister, at a total price for all soft drinks and prepared food products sold as part of the transaction that does not exceed one dollar, and*
- (b) *prepared food products purchased from an eating establishment, as defined by the Minister, the price of which exceeds one dollar.*

**Subsection 2.** This section is consequent on the change to paragraph 21 of section 1 of the Act contained in subsection 1 (4) of the Bill. Paragraph 2 now reads as follows:



2. *taxable services that are described in clause (c) of paragraph 21 of section 1 and that are,*

(a) *provided to repair, adjust, restore or maintain real property,*

(b) *provided to install tangible personal property that will become real property upon installation,*

(c) *provided to maintain, restore or repair tangible personal property where the repairs or repair parts used in the maintenance, restoration or repair may be purchased exempt from tax,*

(d) *provided to repair or recondition tangible personal property purchased for resale by a vendor, or*

(e) *provided by a person for his own consumption or use.*

**Subsection 3.** The subsection updates the references to the *Motor Vehicle Fuel Tax Act* to reflect the repeal of that Act and the enactment of the *Fuel Tax Act, 1981*. Paragraphs 6 and 7 now read as follows:

6. *fuel taxed under the Motor Vehicle Fuel Tax Act;*

7. *fuel oil not taxed under the Motor Vehicle Fuel Tax Act.*

**Subsection 4.** This subsection clarifies the expressions used in the Act and adopts language consistent with the enactment of clause 45 (3) (i) of the Act in subsection 12 (2) of the Bill. Paragraph 13 now reads as follows:

13. *ethyl alcohol or methyl alcohol that is sold and purchased as fuel to generate power by internal combustion in any engine, provided that such alcohol is delivered by the vendor thereof into the engine's fuel tank.*

**Subsection 5.** This subsection removes the exemption for the purchasers of vehicles powered by alternate fuels and conversion kits and installation labour used to convert vehicles powered by gasoline or diesel fuel to the use of alternate fuels. The authority to provide a rebate of tax by regulation will be provided under subsection 12 (2) of the Bill. Paragraphs 14 and 14a now read as follows:

14. *vehicles that are required to be licensed under the Highway Traffic Act and the energy to operate which is either,*

(a) *exclusively electrical energy or energy derived from the internal combustion of ethanol, methanol, natural gas or manufactured gas, or*

(b) *energy described in clause (a), where the vehicle can also operate exclusively on energy derived from a fuel described under the Fuel Tax Act, 1981 or the Gasoline Tax Act,*

*but not any vehicle the energy to operate which is a mix of a form of energy described in clause (a) and energy derived from a fuel described under the Fuel Tax Act, 1981 or the Gasoline Tax Act;*

14a. *tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that meets all of the requirements for exemption under paragraph 14 including the labour provided to install that conversion kit.*

**Subsection 6.** The subsection will improve the cash flow of farmers and universities by providing an exemption from tax, rather than the rebate previously available, to farmers

with respect to materials used in constructing grain storage bins and grain dryers and to universities purchasing equipment used exclusively in research.

**Subsection 7.** This subsection deletes a reference to an Act that has been repealed. Paragraph 42 now reads as follows:

42. *equipment, as defined by the Minister, and purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under the Public Hospitals Act or that is established under the Community Psychiatric Hospitals Act or by a sanatorium as defined under the Sanatoria for Consumptives Act or by The Ontario Cancer Treatment and Research Foundation, and repairs to such equipment.*

**Subsection 8.** The amendment clarifies the application of the exemption to community colleges. Paragraph 51 now reads as follows:

51. *publications, as defined by the Minister, purchased by a school, school board or university or by a public library administered under the Public Libraries Act.*

**Subsection 9.** This provision extends the exemption from tax available to purchasers of books to include labour used to repair books. Paragraph 53 now reads as follows:

53. *books, as defined by the Minister.*

**Subsection 10.** This subsection ends the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor trailer or semi-trailer beginning with vehicles delivered after December 31st, 1986. Paragraph 70 now reads as follows:

70. *highway truck tractors having a gross vehicle mass rating, as defined by the Minister, of 11,778 kilograms or more, trucks designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more and truck trailers, tractor trailers and semi-trailers designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more, but the exemption conferred by this paragraph does not apply to trucks, truck tractors, truck trailers, tractor trailers or semi-trailers prescribed by the Minister to be excluded from this paragraph or used in any manner, process, industry, enterprise or by any person or class of persons prescribed by the Minister as not entitled to the exemption conferred by this paragraph.*

**Subsection 11.** This subsection provides that replacement parts used to honour an extended warranty, service or maintenance contract will not be taxable. This subsection is related to the changes contained in subsections 1 (2) and (3), section 2 and subsection 4 (2) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt.

**SECTION 5.** The changes to this section reflect the repeal of the *Family Law Reform Act* and the enactment of the *Family Law Act, 1986*. The changes also insure that common law spouses will receive the same treatment as married persons. Subsections 6 (2), (3) and (4) now read as follows:

(2) *In subsection (1), "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser.*

(3) *Subsection 2 (1) does not apply to the consumption or use by a person of tangible personal property acquired from the person's spouse or former spouse where the acquisition is the result of the breakdown or dissolution of the marriage of the person and the spouse or former spouse and is in satisfaction of the person's rights under the Family Law Reform Act.*

(4) In subsection (3), "spouse" has the meaning given to that expression by clause 14 (b) of the Family Law Reform Act.

**SECTION 6.** This section limits the exemption available to the purchaser of admission to a performance sponsored by charities, clubs and labour organizations to amateur performances and performances using Canadian performers and limits the exemption available with respect to performances sponsored by agricultural societies to performances, other than sporting events, that occur during an agricultural fair. Subsection 7 (2) now reads as follows:

(2) *The tax imposed by subsection 2 (4) is not payable in respect of the price of admission to any entertainment, event, dance, performance or exhibition staged or held in a place of amusement by, or under the auspices or sponsorship of,*

- (a) *a registered Canadian amateur athletic association, as defined by paragraph 110 (8) (b) of the Income Tax Act (Canada), including a branch or affiliate association to which the registration under that Act of the Canadian amateur association of which it is a branch or affiliate has been extended;*
- (b) *a registered charity, as defined by paragraph 110 (8) (c) of the Income Tax Act (Canada);*
- (c) *a labour organization or society, or a benevolent or fraternal benefit society or order;*
- (d) *an agricultural society constituted under the Agricultural Societies Act;*
- (e) *an educational institution;*
- (f) *a club, society, association, chamber of commerce or board of trade organized and operated for any purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof except a proprietor, member or shareholder that is a club, society or association the primary purpose and function of which is the promotion of amateur athletics in Canada; or*
- (g) *an organization that is substantially assisted or supported financially from public funds of the Province of Ontario and that is prescribed by the Minister for the purpose of this subsection.*

**SECTION 7.** This amendment confirms that the seller of taxable services or of admissions to a place of amusement is required to keep records in the same manner as a seller of tangible personal property. Section 14 now reads as follows:

*14. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act.*

**SECTION 8.** The effect of the amendment is to permit the Minister to exchange information with taxing authorities in jurisdictions outside Canada, on a reciprocal basis. Subsection 15 (2) now reads as follows:

(2) *The Minister may,*

- (a) *communicate or allow to be communicated information obtained under this Act;*  
*or*
- (b) *allow inspection of or access to any written statement furnished under this Act,*



to any person employed by the Government of Canada or any province of Canada, if the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and if the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

**SECTION 9.** This amendment clarifies the meaning of subsection 16a (4) by confirming that a person remains responsible for the payment of amounts assessed whether or not an objection to, or appeal from, an assessment is commenced. Subsection 16a (4) now reads as follows:

*(4) Every person assessed under this section shall, within thirty days of the service of the notice of assessment, remit to the Treasurer the amount assessed.*

**SECTION 10.** This amendment clarifies the subsection by confirming that an assessment can also be varied by reassessment. Subsection 17 (7) now reads as follows:

*(7) Subject to being vacated on objection or appeal, a statement or assessment under this section shall be deemed to be valid and binding, and the amount assessed in any such assessment shall, for the purposes of the collection or recovery thereof, be deemed to be tax owing under this Act and to be conclusively established as a debt owing to Her Majesty in right of Ontario.*

**SECTION 11.** This section provides the Minister with improved mechanisms for the collection of tax that has not been remitted. Subsections 34 (1), (1a) and (6) now read as follows:

*(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.*

*(1a) Without limiting the generality of subsection (1), where the Minister has knowledge or suspects that a bank, credit union, trust company or other similar person, in this section referred to as "the institution", is about to advance moneys to, or make payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution and who has given security to the institution in respect of the indebtedness, he may, by registered letter or by letter served personally, require the institution to pay to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act the moneys that would otherwise be so advanced or paid, and the requirement shall apply to all moneys that would otherwise be so advanced or paid in the ninety days following the receipt of the registered letter or letter served personally.*

*(6) Subject to the Wages Act, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.*

**SECTION 12.—Subsection 1.** This subsection deletes the expression "registered consumer" which is no longer used under the Act. Clause 45 (3) (b) now reads as follows:



- (b) *prescribing for the purposes of this Act or the regulations the records and information to be kept and maintained by a vendor, registered consumer or purchaser.*

**Subsection 2.** This subsection removes the authority to provide a rebate on materials used by farmers in constructing grain storage bins and dryers; an exemption will be provided through subsection 4 (6) of the Bill. The subsection also authorizes the Minister to provide a rebate of tax paid on vehicles powered by alternate fuels, vehicles converted to the use of alternate fuels, the kits used to convert those vehicles and the labour to install those kits. The rebate is limited to a maximum of \$750 for vehicles converted to the use of propane and \$1,000 to vehicles converted to the use of other alternate fuels. Exemptions for vehicles powered by alternate fuels and conversion kits are repealed by subsection 4 (5) of the Bill. Clauses 45 (3) (i) and (j) now read as follows:

- (i) *providing for the rebate to persons engaged in the business of farming of tax paid on the consumption of tangible personal property for the construction or installation of grain storage bins or grain dryers, and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made;*
- (j) *providing for the rebate of the tax paid on the purchase of a motor vehicle that is, within thirty days of the date of sale, adapted or converted to permit it to operate in a manner described in clause (a) or (b) of paragraph 14 of subsection 5 (1), and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made.*

**Subsection 3.** The re-enactment of clause 45 (3) (j) of the Act authorizes the Minister to make regulations, after the date this Bill receives Royal Assent, to continue to provide for a full rebate of tax paid on the purchase of vehicles converted to the use of alternate fuels, the kits used to convert those vehicles and the labour to install those kits, but only where the purchaser enters into a contract for the conversion within thirty days following Royal Assent of this Bill and the conversion is completed within ninety days.

Bill 26

1986

**An Act to amend the  
Retail Sales Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 9 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by striking out “cinematograph or moving picture machine or similar apparatus” in the third and fourth lines and inserting in lieu thereof “projector or similar equipment”.

(2) Clause (a) of paragraph 17 of the said section 1 is amended by inserting after “renders” in the seventh line “or undertakes to render”.

(3) Clause (b) of paragraph 21 of the said section 1, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, is further amended by striking out “or” at the end thereof.

(4) Clause (c) of paragraph 21 of the said section 1, as enacted by the Statutes of Ontario, 1982, chapter 36, section 1, is repealed and the following substituted therefor:

- (c) labour provided to install, assemble, dismantle, adjust, repair or maintain tangible personal property; or
- (d) any contract for the service, maintenance or warranty of tangible personal property.

**2.** Subsection 2 (3) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 2, is further amended by striking out “(a) or (c)” in the amendment of 1982 and inserting in lieu thereof “(a), (c) or (d)”.

**3.** Subsection 3 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 3, is repealed and the following substituted therefor:

Change in  
name,  
address or  
nature of  
business

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name, address or nature of the vendor's business, the vendor shall notify the Minister of the change forthwith and the Minister may issue an amended permit.

**4.—(1) Paragraph 1 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 1, section 3, is amended by,**

- (a) striking out "one dollar" in the seventh line of clause (a) and inserting in lieu thereof "two dollars"; and
- (b) striking out "one dollar" in the third line of clause (b) and inserting in lieu thereof "two dollars".

(2) Paragraph 2 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3 and amended by 1983, chapter 27, section 4, is further amended by,

- (a) inserting after "(c)" in the first line "or (d)";
- (b) striking out "or" at the end of clause (d);
- (c) inserting "or" at the end of clause (e); and
- (d) by adding thereto the following clause:
  - (f) provided to install tangible personal property that may be purchased exempt from tax under this subsection.

(3) Paragraphs 6 and 7 of the said subsection 5 (1) are repealed and the following substituted therefor:

1981, c. 59

- 6. fuel taxed under the *Fuel Tax Act, 1981*;
- 7. fuel oil that is not taxed under the *Fuel Tax Act, 1981*.

(4) Paragraph 13 of the said subsection 5 (1) is amended by,

- (a) striking out "ethyl alcohol or methyl alcohol" in the first line and inserting in lieu thereof "ethanol or methanol"; and
- (b) striking out "alcohol" in the third line and inserting in lieu thereof "fuel".



(5) Paragraph 14 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, and paragraph 14a, as enacted by the Statutes of Ontario, 1981, chapter 38, section 2 and amended by 1983, chapter 27, section 4, are repealed.

(6) Subsection 5 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following paragraphs:

16. materials used in the construction or installation of structures used by persons engaged in the business of farming exclusively to dry grain or as farm grain storage bins, but the exemption conferred by this paragraph does not apply to materials used in footings and foundations, barns, greenhouses, silos or similar structures;

21. equipment purchased by the governing body of a university that is designed for use, and used exclusively, in research or investigation, and repair parts therefor, but the exemption conferred by this paragraph does not apply to any equipment, or repair parts therefor, or labour to install such parts or equipment, where that equipment is used in the instruction of students, or to any type or class of equipment that is prescribed by the Minister to be excluded from this paragraph, or repair parts for such equipment, or the labour to install such equipment or repair parts.

(7) Paragraph 42 of the said subsection 5 (1) is amended by striking out “by a sanatorium as defined under the *Sanatoria for Consumptives Act* or” in the fifth, sixth and seventh lines and inserting in lieu thereof “purchased”.

(8) Paragraph 51 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “school board” in the second line “community college”.

(9) Paragraph 53 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof “and repairs thereto”.



(10) Paragraph 70 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “more,” in the eighth line “provided that delivery of that truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser before the 1st day of January, 1987, and where the purchaser acquires a truck, truck tractor, truck trailer, tractor trailer or semi-trailer at a sale that is a lease or rental, the tax imposed by this Act shall be computed, paid and collected pursuant to subsection 2 (6) only with respect to those rental payments due and payable by the purchaser under the rental agreement on or after the 1st day of January, 1987”.

(11) Section 5 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following subsection:

Exemption

(2a) Notwithstanding subsection (2), the purchaser of replacement parts to provide a service described in clause (d) of paragraph 21 of section 1 is exempt from the tax imposed by this Act.

5.—(1) Subsection 6 (2) of the said Act is amended by striking out “husband, wife” in the second line and inserting in lieu thereof “spouse”.

(2) Subsection 6 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is amended by striking out “*Family Law Reform Act*” in the sixth line and inserting in lieu thereof “*Family Law Act, 1986*”.

(3) Subsection 6 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is repealed and the following substituted therefor:

Definition

1986, c. 4

(4) In this section, “spouse” has the meaning given to that expression by section 29 of the *Family Law Act, 1986*.

6.—(1) Subsection 7 (2) of the said Act is amended by inserting after “exhibition” in the third line “staged or held where no performer taking part in that entertainment, event, dance, performance or exhibition receives, or will receive, either directly or indirectly, any remuneration or any other consideration for the performance or where 90 per cent of those performers are persons who are permanent residents in Canada as defined in the *Immigration Act, 1976* (Canada) or to any entertainment, event, dance, performance or exhibition that is”.

(2) Clauses 7 (2) (b) and (c) of the said Act are repealed.

(3) Clause 7 (2) (d) of the said Act is repealed and the following substituted therefor:

- (d) an agricultural society constituted under the *Agricultural Societies Act*, during any agricultural fair held by the agricultural society except where the entertainment, event, performance or exhibition is a sporting event.

R.S.O. 1980,  
c. 14

(4) Clause 7 (2) (f) of the said Act is repealed.

**7. Section 14 of the said Act is amended by adding thereto the following subsections:**

(2) Every vendor of taxable services shall keep records of all purchases and sales made by that vendor of tangible personal property whether for consumption or use or for resale, and any failure to do so constitutes an offence under this Act.

Records of  
vendors of  
taxable  
services

(3) Every vendor who operates a place of amusement in Ontario shall keep records of the charges made by that vendor for entry to the place of amusement and for every entry that is provided to that place as a promotional distribution, and any failure to do so constitutes an offence under this Act.

Records of  
vendors who  
operate  
places of  
amusement

**8. Subsection 15 (2) of the said Act is amended by striking out "the Government of Canada or any province of Canada" in the sixth and seventh lines and inserting in lieu thereof "any government" and by striking out "federal or provincial" in the twelfth and thirteenth lines.**

**9. Subsection 16a (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by adding at the end thereof "whether or not an objection to, or an appeal from, the assessment is outstanding".**

**10. Subsection 17 (7) of the said Act is amended by inserting after "appeal" in the first line "and subject to a reassessment".**

**11.—(1) Subsection 34 (1) of the said Act is amended by inserting after "that" in the second line "within ninety days", by inserting after "Treasurer" in the seventh line "forthwith" and by adding at the end thereof "and the requirement shall apply to all moneys that would otherwise be so paid in the ninety days next following the receipt of the registered letter or letter served personally".**

**(2) Subsection 34 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 12, is repealed and the following substituted therefor:**

Idem

(1a) Notwithstanding subsection (1), where the Minister has knowledge or suspects that within ninety days,

- (a) a bank, credit union, trust company or other similar person (in this section referred to as the "institution") is about to loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution;
- (b) a person, other than an institution, is about to loan or advance moneys to or make a payment on behalf of, a person who is liable to make a payment or remittance under this Act and who is,
  - (i) employed by or engaged in providing goods or services to that person and who was, or will within ninety days be, so employed or engaged, or
  - (ii) not dealing at arm's length with that person,

the Minister may, by registered letter, or by letter served personally, require the institution or person, as the case may be, to pay forthwith to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act all or part of the moneys that would otherwise have been loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the person liable to make a payment or remittance under this Act.

Continuing  
effect of  
requisition

(1b) Where, under this section, the Minister has required a person to pay to the Treasurer moneys otherwise payable as interest, rent, remuneration, a dividend, an annuity payment or other periodic payment to a person who is liable to make a payment or remittance under this Act,

- (a) the requirement shall apply to all such periodic payments to be made by the first-named person to the second-named person after the date of receipt of the Minister's letter until the liability of the second-named person is satisfied; and



- (b) the payments required to be made to the Treasurer shall be the full amount of each payment or in such lesser amount as the Minister may designate in the Minister's letter.

**(3) Subsection 34 (6) of the said Act is repealed and the following substituted therefor:**

(6) This section is subject to the provisions of the *Wages Act*. Application  
of  
R.S.O. 1980,  
c. 526

**12.—(1) Clause 45 (3) (b) of the said Act is amended by striking out "registered consumer" in the third line.**

**(2) Clause 45 (3) (i) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:**

- (i) providing for the rebate of the tax paid on the purchase of,

- (i) a vehicle that is required to be licensed under the *Highway Traffic Act*, where the energy to operate the vehicle is either, R.S.O. 1980,  
c. 198

- (A) exclusively electrical energy or energy derived from the internal combustion of propane, natural gas, ethanol, methanol or manufactured gas, or

- (B) energy described in sub-subclause (A), where the vehicle can also operate exclusively on energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, 1981, c. 59  
R.S.O. 1980,  
c. 186

but not any vehicle where the energy to operate the vehicle is a mix of a form of energy described in sub-subclause (A) and energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, or

- (ii) a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale,



and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (A) or (B) within ninety days of the date of sale of the vehicle, or

- (iii) tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that operates in the manner described in sub-subclause (i) (A) or (B), including the labour to install that kit, where the vehicle is not so converted within ninety days of the date of sale of the vehicle,

and prescribing the basis upon which such rebate shall be calculated and the conditions under which it shall be made, up to a maximum of \$750 with respect to a vehicle using, or converted to the use of, propane and a maximum of \$1,000 with respect to a vehicle using, or converted to the use of, any other form of energy described in sub-subclause (i) (A) or (B).

**(3) Clause 45 (3) (j) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:**

- (j) providing for the rebate of the tax paid on the purchase of a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale, and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (i) (A) or (B) within ninety days of the date of sale of the vehicle where delivery of such vehicle is taken by the purchaser on or after the day following the day the *Retail Sales Tax Amendment Act, 1986* receives Royal Assent and before the thirtieth day following the day that Act receives Royal Assent.

R.S.O. 1980,  
c. 198

1986, c. ...

Commence-  
ment and  
application

**13.—(1) This Act, except subsection 12 (3), comes into force on the thirtieth day following the day it receives Royal Assent.**

Idem

**(2) Subsection 12 (3) comes into force on the day following the day this Act receives Royal Assent.**

(3) Subsection 4 (5) and any regulation made under the authority created by subsection 12 (2) applies with respect to any vehicle or conversion kit delivery of which is taken by the purchaser on or after the day this Act comes into force or to any labour that is provided after that day to install a conversion kit. <sup>Idem</sup>

(4) Section 6 applies to any sale of admission to a place of amusement after the day this Act comes into force. <sup>Idem</sup>

**14.** The short title of this Act is the *Retail Sales Tax Amendment Act, 1986*. <sup>Short title</sup>









# Bill 26

## An Act to amend the Retail Sales Tax Act

The Hon. R. Nixon  
*Minister of Revenue*

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<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 23rd, 1986
<i>3rd Reading</i>	
<i>Royal Assent</i>	

*(Reprinted as amended by the Committee of the Whole House)*

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## EXPLANATORY NOTES

The purpose of the Bill is,

- (a) to expand the exemption from tax to the purchaser of prepared food products purchased from an eating establishment to include prepared food products sold at a price that does not exceed two dollars;
- (b) to improve the cash flow of farmers and universities by providing an exemption from tax, rather than the rebate previously available, to farmers with respect to materials used in constructing grain storage bins and grain dryers and to universities purchasing equipment used exclusively in research;
- (c) to provide a rebate, rather than an exemption from tax, for the purchasers of vehicles powered by alternate fuels or converted to the use of such fuels, and limiting the maximum rebate to \$750 for vehicles converted to the use of propane and \$1,000 for vehicles converted to the use of other alternate fuels;
- (d) to end the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor trailer or semi-trailer beginning with vehicles delivered after December 31st, 1986;
- (e) to limit the exemption available to the purchaser of admission to a performance sponsored by non-profit clubs and associations to amateur performances and performances using Canadian performers and to limit the exemption available with respect to performances sponsored by agricultural societies to performances, other than sporting events, that occur during an agricultural fair;
- (f) to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt;
- (g) to provide the Minister with improved mechanisms for the collection of tax that has not been remitted;
- (h) to remove redundant expressions, to update cross-references to other statutes and otherwise to clarify the meaning of the Act.

**SECTION 1.—Subsection 1.** This subsection clarifies the meaning of the Act by removing certain expressions that are not in common use. Paragraph 9 of section 1 now reads as follows:

9. *"place of amusement" means an amusement park or a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance or entertainment is staged or held or where facilities for dancing are provided to the public with the service of liquor, beer or wine and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise.*

**Subsection 2.** This subsection provides that a sale will occur when a purchaser contracts for the future delivery of repair parts and labour; tax is payable at the time of sale. This subsection is related to the changes contained in subsection 1 (4), section 2 and subsections 4 (2) and (11) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt. Clause (a) of paragraph 17 will now read as follows:

- (a) *any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instal-*

*ments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property or renders or undertakes to render to another person a taxable service.*

**Subsections 3 and 4.** Subsection (4) clarifies the meaning of "install" and provides that a contract for the future delivery of repair parts and labour will be treated as a taxable service. This subsection is related to the changes contained in subsection 1 (2), section 2 and subsections 4 (2) and (10) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt. Paragraph 21 now reads as follows:

21. "taxable service" means,

- (a) *telecommunication services of all kinds, including without restricting the generality of the foregoing, telephone and telegraph services, community antenna television and cable television, transmissions by microwave relay stations or by satellite, and pay television, but not including public broadcasting services that are broadcast through the air for direct reception by the public without charge,*
- (b) *transient accommodation, or*
- (c) *labour provided to install, adjust, repair or maintain tangible personal property.*

**SECTION 2.** This section is consequent on the change to paragraph 21 of section 1 of the Act contained in subsection 1 (4) of the Bill. Subsection 2 (3) now reads as follows:

*(3) Every purchaser of a taxable service described in clause (a) or (c) of paragraph 21 of section 1 shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 7 per cent of the fair value thereof.*

**SECTION 3.** This section simplifies the requirements of the Act with respect to changes in a vendor's permit resulting from a change in the name, address or nature of the business. Subsection 3 (1a) now reads as follows:

*(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name or nature of his business he shall notify the Minister of the change forthwith and the Minister may issue a new permit, and, where the Minister issues a new permit, the vendor shall return his original permit to the Minister forthwith for cancellation.*

**SECTION 4.—Subsection 1.** This subsection expands the exemption from tax to the purchaser of prepared food products purchased from an eating establishment to include prepared food products sold at a price that does not exceed two dollars. Paragraph 1 now reads as follows:

1. *food products for human consumption except,*

- (a) *candies, confections, snack foods and soft drinks, other than soft drinks sold with prepared food products from an eating establishment, as defined by the Minister, at a total price for all soft drinks and prepared food products sold as part of the transaction that does not exceed one dollar, and*
- (b) *prepared food products purchased from an eating establishment, as defined by the Minister, the price of which exceeds one dollar.*

**Subsection 2.** This section is consequent on the change to paragraph 21 of section 1 of the Act contained in subsection 1 (4) of the Bill. Paragraph 2 now reads as follows:

- 2. *taxable services that are described in clause (c) of paragraph 21 of section 1 and that are,*



- (a) *provided to repair, adjust, restore or maintain real property,*
- (b) *provided to install tangible personal property that will become real property upon installation,*
- (c) *provided to maintain, restore or repair tangible personal property where the repairs or repair parts used in the maintenance, restoration or repair may be purchased exempt from tax,*
- (d) *provided to repair or recondition tangible personal property purchased for resale by a vendor, or*
- (e) *provided by a person for his own consumption or use.*

**Subsection 3.** The subsection updates the references to the *Motor Vehicle Fuel Tax Act* to reflect the repeal of that Act and the enactment of the *Fuel Tax Act, 1981*. Paragraphs 6 and 7 now read as follows:

- 6. *fuel taxed under the Motor Vehicle Fuel Tax Act;*
- 7. *fuel oil not taxed under the Motor Vehicle Fuel Tax Act.*

**Subsection 4.** This subsection clarifies the expressions used in the Act and adopts language consistent with the enactment of clause 45 (3) (i) of the Act in subsection 12 (2) of the Bill. Paragraph 13 now reads as follows:

- 13. *ethyl alcohol or methyl alcohol that is sold and purchased as fuel to generate power by internal combustion in any engine, provided that such alcohol is delivered by the vendor thereof into the engine's fuel tank.*

**Subsection 5.** This subsection removes the exemption for the purchasers of vehicles powered by alternate fuels and conversion kits and installation labour used to convert vehicles powered by gasoline or diesel fuel to the use of alternate fuels. The authority to provide a rebate of tax by regulation will be provided under subsection 12 (2) of the Bill. Paragraphs 14 and 14a now read as follows:

- 14. *vehicles that are required to be licensed under the Highway Traffic Act and the energy to operate which is either,*
  - (a) *exclusively electrical energy or energy derived from the internal combustion of ethanol, methanol, natural gas or manufactured gas, or*
  - (b) *energy described in clause (a), where the vehicle can also operate exclusively on energy derived from a fuel described under the Fuel Tax Act, 1981 or the Gasoline Tax Act,*

*but not any vehicle the energy to operate which is a mix of a form of energy described in clause (a) and energy derived from a fuel described under the Fuel Tax Act, 1981 or the Gasoline Tax Act;*

- 14a. *tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that meets all of the requirements for exemption under paragraph 14 including the labour provided to install that conversion kit.*

**Subsection 6.** The subsection will improve the cash flow of farmers and universities by providing an exemption from tax, rather than the rebate previously available, to farmers with respect to materials used in constructing grain storage bins and grain dryers and to universities purchasing equipment used exclusively in research.

**Subsection 7.** This subsection deletes a reference to an Act that has been repealed. Paragraph 42 now reads as follows:

42. *equipment, as defined by the Minister, and purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under the Public Hospitals Act or that is established under the Community Psychiatric Hospitals Act or by a sanatorium as defined under the Sanatoria for Consumptives Act or by The Ontario Cancer Treatment and Research Foundation, and repairs to such equipment.*

**Subsection 8.** The amendment clarifies the application of the exemption to community colleges. Paragraph 51 now reads as follows:

51. *publications, as defined by the Minister, purchased by a school, school board or university or by a public library administered under the Public Libraries Act.*

**Subsection 9.** This provision extends the exemption from tax available to purchasers of books to include labour used to repair books. Paragraph 53 now reads as follows:

53. *books, as defined by the Minister.*

**Subsection 10.** This subsection ends the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor trailer or semi-trailer beginning with vehicles delivered after December 31st, 1986. Paragraph 70 now reads as follows:

70. *highway truck tractors having a gross vehicle mass rating, as defined by the Minister, of 11,778 kilograms or more, trucks designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more and truck trailers, tractor trailers and semi-trailers designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more, but the exemption conferred by this paragraph does not apply to trucks, truck tractors, truck trailers, tractor trailers or semi-trailers prescribed by the Minister to be excluded from this paragraph or used in any manner, process, industry, enterprise or by any person or class of persons prescribed by the Minister as not entitled to the exemption conferred by this paragraph.*

**Subsection 11.** This subsection provides that replacement parts used to honour an extended warranty, service or maintenance contract will not be taxable. This subsection is related to the changes contained in subsections 1 (2) and (3), section 2 and subsection 4 (2) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt.

**SECTION 5.** The changes to this section reflect the repeal of the *Family Law Reform Act* and the enactment of the *Family Law Act, 1986*. The changes also insure that common law spouses will receive the same treatment as married persons. Subsections 6 (2), (3) and (4) now read as follows:

(2) *In subsection (1), "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser.*

(3) *Subsection 2 (1) does not apply to the consumption or use by a person of tangible personal property acquired from the person's spouse or former spouse where the acquisition is the result of the breakdown or dissolution of the marriage of the person and the spouse or former spouse and is in satisfaction of the person's rights under the Family Law Reform Act.*

(4) *In subsection (3), "spouse" has the meaning given to that expression by clause 14 (b) of the Family Law Reform Act.*

**SECTION 6.** This section limits the exemption available to the purchaser of admission to a performance sponsored by non-profit clubs and associations to amateur performances and performances using Canadian performers and limits the exemption available with respect to performances sponsored by agricultural societies to performances, other than sporting events, that occur during an agricultural fair. Subsection 7 (2) now reads as follows:

*(2) The tax imposed by subsection 2 (4) is not payable in respect of the price of admission to any entertainment, event, dance, performance or exhibition staged or held in a place of amusement by, or under the auspices or sponsorship of,*

- (a) a registered Canadian amateur athletic association, as defined by paragraph 110 (8) (b) of the Income Tax Act (Canada), including a branch or affiliate association to which the registration under that Act of the Canadian amateur association of which it is a branch or affiliate has been extended;*
- (b) a registered charity, as defined by paragraph 110 (8) (c) of the Income Tax Act (Canada);*
- (c) a labour organization or society, or a benevolent or fraternal benefit society or order;*
- (d) an agricultural society constituted under the Agricultural Societies Act;*
- (e) an educational institution;*
- (f) a club, society, association, chamber of commerce or board of trade organized and operated for any purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof except a proprietor, member or shareholder that is a club, society or association the primary purpose and function of which is the promotion of amateur athletics in Canada; or*
- (g) an organization that is substantially assisted or supported financially from public funds of the Province of Ontario and that is prescribed by the Minister for the purpose of this subsection.*

**SECTION 7.** This amendment confirms that the seller of taxable services or of admissions to a place of amusement is required to keep records in the same manner as a seller of tangible personal property. Section 14 now reads as follows:

*14. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act.*

**SECTION 8.** The effect of the amendment is to permit the Minister to exchange information with taxing authorities in jurisdictions outside Canada, on a reciprocal basis. Subsection 15 (2) now reads as follows:

*(2) The Minister may,*

*(a) communicate or allow to be communicated information obtained under this Act;*  
*or*

*(b) allow inspection of or access to any written statement furnished under this Act,*

*to any person employed by the Government of Canada or any province of Canada, if the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and if the information and written statements will not be used for any purpose other*



than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

**SECTION 9.** This amendment clarifies the meaning of subsection 16a (4) by confirming that a person remains responsible for the payment of amounts assessed whether or not an objection to, or appeal from, an assessment is commenced. Subsection 16a (4) now reads as follows:

*(4) Every person assessed under this section shall, within thirty days of the service of the notice of assessment, remit to the Treasurer the amount assessed.*

**SECTION 10.** This amendment clarifies the subsection by confirming that an assessment can also be varied by reassessment. Subsection 17 (7) now reads as follows:

*(7) Subject to being vacated on objection or appeal, a statement or assessment under this section shall be deemed to be valid and binding, and the amount assessed in any such assessment shall, for the purposes of the collection or recovery thereof, be deemed to be tax owing under this Act and to be conclusively established as a debt owing to Her Majesty in right of Ontario.*

**SECTION 11.** This section provides the Minister with improved mechanisms for the collection of tax that has not been remitted. Subsections 34 (1), (1a) and (6) now read as follows:

*(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.*

*(1a) Without limiting the generality of subsection (1), where the Minister has knowledge or suspects that a bank, credit union, trust company or other similar person, in this section referred to as "the institution", is about to advance moneys to, or make payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution and who has given security to the institution in respect of the indebtedness, he may, by registered letter or by letter served personally, require the institution to pay to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act the moneys that would otherwise be so advanced or paid, and the requirement shall apply to all moneys that would otherwise be so advanced or paid in the ninety days following the receipt of the registered letter or letter served personally.*

*(6) Subject to the Wages Act, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.*

**SECTION 12.—Subsection 1.** This subsection deletes the expression "registered consumer" which is no longer used under the Act. Clause 45 (3) (b) now reads as follows:

*(b) prescribing for the purposes of this Act or the regulations the records and information to be kept and maintained by a vendor, registered consumer or purchaser.*



**Subsection 2.** This subsection removes the authority to provide a rebate on materials used by farmers in constructing grain storage bins and dryers; an exemption will be provided through subsection 4 (6) of the Bill. The subsection also authorizes the Minister to provide a rebate of tax paid on vehicles powered by alternate fuels, vehicles converted to the use of alternate fuels, the kits used to convert those vehicles and the labour to install those kits. The rebate is limited, except in the case of buses, as defined by the Minister, to a maximum of \$750 for vehicles converted to the use of propane and \$1,000 to vehicles converted to the use of other alternate fuels. Exemptions for vehicles powered by alternate fuels and conversion kits are repealed by subsection 4 (5) of the Bill. Clauses 45 (3) (i) and (j) now read as follows:

- (i) providing for the rebate to persons engaged in the business of farming of tax paid on the consumption of tangible personal property for the construction or installation of grain storage bins or grain dryers, and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made;*
- (j) providing for the rebate of the tax paid on the purchase of a motor vehicle that is, within thirty days of the date of sale, adapted or converted to permit it to operate in a manner described in clause (a) or (b) of paragraph 14 of subsection 5 (1), and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made.*

**Subsection 3.** The re-enactment of clause 45 (3) (j) of the Act authorizes the Minister to make regulations, after the date this Bill receives Royal Assent, to continue to provide for a full rebate of tax paid on the purchase of vehicles converted to the use of alternate fuels, the kits used to convert those vehicles and the labour to install those kits, but only where the purchaser enters into a contract for the conversion within thirty days following Royal Assent of this Bill and the conversion is completed within ninety days.

**Bill 26****1986****An Act to amend the Retail Sales Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 9 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by striking out “cinematograph or moving picture machine or similar apparatus” in the third and fourth lines and inserting in lieu thereof “projector or similar equipment”.

(2) Clause (a) of paragraph 17 of the said section 1 is amended by inserting after “renders” in the seventh line “or undertakes to render”.

(3) Clause (b) of paragraph 21 of the said section 1, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, is further amended by striking out “or” at the end thereof.

(4) Clause (c) of paragraph 21 of the said section 1, as enacted by the Statutes of Ontario, 1982, chapter 36, section 1, is repealed and the following substituted therefor:

- (c) labour provided to install, assemble, dismantle, adjust, repair or maintain tangible personal property; or
- (d) any contract for the service, maintenance or warranty of tangible personal property.

**2.** Subsection 2 (3) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 2, is further amended by striking out “(a) or (c)” in the amendment of 1982 and inserting in lieu thereof “(a), (c) or (d)”.

**3.** Subsection 3 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 3, is repealed and the following substituted therefor:

Change in  
name,  
address or  
nature of  
business

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name, address or nature of the vendor's business, the vendor shall notify the Minister of the change forthwith and the Minister may issue an amended permit.

**4.—(1) Paragraph 1 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 1, section 3, is amended by,**

- (a) striking out “one dollar” in the seventh line of clause (a) and inserting in lieu thereof “two dollars”; and
- (b) striking out “one dollar” in the third line of clause (b) and inserting in lieu thereof “two dollars”.

**(2) Paragraph 2 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3 and amended by 1983, chapter 27, section 4, is further amended by,**

- (a) inserting after “(c)” in the first line “or (d)”;
- (b) striking out “or” at the end of clause (d);
- (c) inserting “or” at the end of clause (e); and
- (d) by adding thereto the following clause:
  - (f) provided to install tangible personal property that may be purchased exempt from tax under this subsection.

**(3) Paragraphs 6 and 7 of the said subsection 5 (1) are repealed and the following substituted therefor:**

1981, c. 59

- 6. fuel taxed under the *Fuel Tax Act, 1981*;
- 7. fuel oil that is not taxed under the *Fuel Tax Act, 1981*.

**(4) Paragraph 13 of the said subsection 5 (1) is amended by,**

- (a) striking out “ethyl alcohol or methyl alcohol” in the first line and inserting in lieu thereof “ethanol or methanol”; and
- (b) striking out “alcohol” in the third line and inserting in lieu thereof “fuel”.

(5) Paragraph 14 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, and paragraph 14a, as enacted by the Statutes of Ontario, 1981, chapter 38, section 2 and amended by 1983, chapter 27, section 4, are repealed.

(6) Subsection 5 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following paragraphs:

16. materials used in the construction or installation of structures used by persons engaged in the business of farming exclusively to dry grain or as farm grain storage bins, but the exemption conferred by this paragraph does not apply to materials used in footings and foundations, barns, greenhouses, silos or similar structures;

21. equipment purchased by the governing body of a university that is designed for use, and used exclusively, in research or investigation, and repair parts therefor, but the exemption conferred by this paragraph does not apply to any equipment, or repair parts therefor, or labour to install such parts or equipment, where that equipment is used in the instruction of students, or to any type or class of equipment that is prescribed by the Minister to be excluded from this paragraph, or repair parts for such equipment, or the labour to install such equipment or repair parts.

(7) Paragraph 42 of the said subsection 5 (1) is amended by striking out “by a sanatorium as defined under the *Sanatoria for Consumptives Act* or” in the fifth, sixth and seventh lines and inserting in lieu thereof “purchased”.

(8) Paragraph 51 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “school board” in the second line “community college”.

(9) Paragraph 53 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof “and repairs thereto”.



(10) Paragraph 70 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after "more," in the eighth line "provided that delivery of that truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser before the 1st day of January, 1987, and where the purchaser acquires a truck, truck tractor, truck trailer, tractor trailer or semi-trailer at a sale that is a lease or rental, the tax imposed by this Act shall be computed, paid and collected pursuant to subsection 2 (6) only with respect to those rental payments due and payable by the purchaser under the rental agreement on or after the 1st day of January, 1987".

(11) Section 5 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following subsection:

Exemption

(2a) Notwithstanding subsection (2), the purchaser of replacement parts to provide a service described in clause (d) of paragraph 21 of section 1 is exempt from the tax imposed by this Act.

**5.—**(1) Subsection 6 (2) of the said Act is amended by striking out "husband, wife" in the second line and inserting in lieu thereof "spouse".

(2) Subsection 6 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is amended by striking out "*Family Law Reform Act*" in the sixth line and inserting in lieu thereof "*Family Law Act, 1986*".

(3) Subsection 6 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is repealed and the following substituted therefor:

Definition  
1986, c. 4

(4) In this section, "spouse" has the meaning given to that expression by section 29 of the *Family Law Act, 1986*.

**6.—**(1) Subsection 7 (2) of the said Act is amended by inserting after "exhibition" in the third line "staged or held where no performer taking part in that entertainment, event, dance, performance or exhibition receives, or will receive, either directly or indirectly, any remuneration or any other consideration for the performance or where 90 per cent of the performers who regularly participate in the cast of a theatrical or musical performance staged or held in a place of amusement are persons who are permanent residents in Canada as defined

in the *Immigration Act, 1976* (Canada) or to any entertainment, event, dance, performance or exhibition that is”.

(2) Clause 7 (2) (d) of the said Act is repealed and the following substituted therefor:

- (d) an agricultural society constituted under the *Agricultural Societies Act*, during any agricultural fair held by the agricultural society except where the entertainment, event, performance or exhibition is a sporting event.

R.S.O. 1980,  
c. 14

(3) Clause 7 (2) (f) of the said Act is repealed.

7. Section 14 of the said Act is amended by adding thereto the following subsections:

(2) Every vendor of taxable services shall keep records of all purchases and sales made by that vendor of tangible personal property whether for consumption or use or for resale, and any failure to do so constitutes an offence under this Act.

Records of  
vendors of  
taxable  
services

(3) Every vendor who operates a place of amusement in Ontario shall keep records of the charges made by that vendor for entry to the place of amusement and for every entry that is provided to that place as a promotional distribution, and any failure to do so constitutes an offence under this Act.

Records of  
vendors who  
operate  
places of  
amusement

8. Subsection 15 (2) of the said Act is amended by striking out “the Government of Canada or any province of Canada” in the sixth and seventh lines and inserting in lieu thereof “any government” and by striking out “federal or provincial” in the twelfth and thirteenth lines.

9. Subsection 16a (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by adding at the end thereof “whether or not an objection to, or an appeal from, the assessment is outstanding”.

10. Subsection 17 (7) of the said Act is amended by inserting after “appeal” in the first line “and subject to a reassessment”.

11.—(1) Subsection 34 (1) of the said Act is amended by inserting after “that” in the second line “within ninety days”, by inserting after “Treasurer” in the seventh line “forthwith” and by adding at the end thereof “and the requirement shall apply to all moneys that would otherwise be so paid in the ninety days next following the receipt of the registered letter or letter served personally”.

**(2) Subsection 34 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 12, is repealed and the following substituted therefor:**

Idem

(1a) Notwithstanding subsection (1), where the Minister has knowledge or suspects that within ninety days,

- (a) a bank, credit union, trust company or other similar person (in this section referred to as the "institution") is about to loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution;
- (b) a person, other than an institution, is about to loan or advance moneys to or make a payment on behalf of, a person who is liable to make a payment or remittance under this Act and who is,
  - (i) employed by or engaged in providing goods or services to that person and who was, or will within ninety days be, so employed or engaged, or
  - (ii) not dealing at arm's length with that person,

the Minister may, by registered letter, or by letter served personally, require the institution or person, as the case may be, to pay forthwith to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act all or part of the moneys that would otherwise have been loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the person liable to make a payment or remittance under this Act.

Continuing  
effect of  
requisition

(1b) Where, under this section, the Minister has required a person to pay to the Treasurer moneys otherwise payable as interest, rent, remuneration, a dividend, an annuity payment or other periodic payment to a person who is liable to make a payment or remittance under this Act,

- (a) the requirement shall apply to all such periodic payments to be made by the first-named person to the second-named person after the date of receipt of the Minister's letter until the liability of the second-named person is satisfied; and



- (b) the payments required to be made to the Treasurer shall be the full amount of each payment or in such lesser amount as the Minister may designate in the Minister's letter.

(3) Subsection 34 (6) of the said Act is repealed and the following substituted therefor:

- (6) This section is subject to the provisions of the *Wages Act*.

Application  
of  
R.S.O. 1980,  
c. 526

**12.—(1) Clause 45 (3) (b) of the said Act is amended by striking out "registered consumer" in the third line.**

(2) Clause 45 (3) (i) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:

- (i) providing for the rebate of the tax paid on the purchase of,

- (i) a vehicle that is required to be licensed under the *Highway Traffic Act*, where the energy to operate the vehicle is either,

R.S.O. 1980,  
c. 198

- (A) exclusively electrical energy or energy derived from the internal combustion of propane, natural gas, ethanol, methanol or manufactured gas, or

- (B) energy described in sub-subclause (A), where the vehicle can also operate exclusively on energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*,

1981, c. 59  
R.S.O. 1980,  
c. 186

but not any vehicle where the energy to operate the vehicle is a mix of a form of energy described in sub-subclause (A) and energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, or

- (ii) a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale,



and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (A) or (B) within ninety days of the date of sale of the vehicle, or

- (iii) tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that operates in the manner described in sub-subclause (i) (A) or (B), including the labour to install that kit, where the vehicle is not so converted within ninety days of the date of sale of the vehicle,

and prescribing the basis upon which such rebate shall be calculated and the conditions under which it shall be made, up to a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$750 with respect to a vehicle using, or converted to the use of, propane and a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$1,000 with respect to a vehicle using, or converted to the use of, any other form of energy described in sub-subclause (i) (A) or (B).

**(3) Clause 45 (3) (j) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:**

- (j) providing for the rebate of the tax paid on the purchase of a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale, and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (i) (A) or (B) within ninety days of the date of sale of the vehicle where delivery of such vehicle is taken by the purchaser on or after the day following the day the *Retail Sales Tax Amendment Act, 1986* receives Royal Assent and before the thirtieth day following the day that Act receives Royal Assent.

R.S.O. 1980,  
c. 198

1986, c. ...

Commence-  
ment and  
application

**13.—(1) This Act, except subsections 4 (10) and 12 (3), comes into force on the thirtieth day following the day it receives Royal Assent.**

(2) Subsection 12 (3) comes into force on the day following the day this Act receives Royal Assent. Idem

(3) Subsection 4 (10) comes into force on the 1st day of January, 1987. Idem

(4) Subsection 4 (5) and any regulation made under the authority created by subsection 12 (2) applies with respect to any vehicle or conversion kit delivery of which is taken by the purchaser on or after the day this Act comes into force or to any labour that is provided after that day to install a conversion kit. Idem

(5) Section 6 applies to any sale of admission to a place of amusement after the day this Act comes into force. Idem

**14.** The short title of this Act is the *Retail Sales Tax Amendment Act, 1986*. Short title









# Bill 26

*(Chapter 66  
Statutes of Ontario, 1986)*

## **An Act to amend the Retail Sales Tax Act**

The Hon. R. Nixon  
*Minister of Revenue*

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<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 23rd, 1986
<i>3rd Reading</i>	December 15th, 1986
<i>Royal Assent</i>	December 18th, 1986

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**Bill 26****1986****An Act to amend the Retail Sales Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 9 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by striking out “cinematograph or moving picture machine or similar apparatus” in the third and fourth lines and inserting in lieu thereof “projector or similar equipment”.

(2) Clause (a) of paragraph 17 of the said section 1 is amended by inserting after “renders” in the seventh line “or undertakes to render”.

(3) Clause (b) of paragraph 21 of the said section 1, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, is further amended by striking out “or” at the end thereof.

(4) Clause (c) of paragraph 21 of the said section 1, as enacted by the Statutes of Ontario, 1982, chapter 36, section 1, is repealed and the following substituted therefor:

- (c) labour provided to install, assemble, dismantle, adjust, repair or maintain tangible personal property; or
- (d) any contract for the service, maintenance or warranty of tangible personal property.

**2.** Subsection 2 (3) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 2, is further amended by striking out “(a) or (c)” in the amendment of 1982 and inserting in lieu thereof “(a), (c) or (d)”.

**3.** Subsection 3 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 3, is repealed and the following substituted therefor:



Change in  
name,  
address or  
nature of  
business

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name, address or nature of the vendor's business, the vendor shall notify the Minister of the change forthwith and the Minister may issue an amended permit.

**4.—(1) Paragraph 1 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 1, section 3, is amended by,**

- (a) striking out “one dollar” in the seventh line of clause (a) and inserting in lieu thereof “two dollars”; and
- (b) striking out “one dollar” in the third line of clause (b) and inserting in lieu thereof “two dollars”.

(2) Paragraph 2 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3 and amended by 1983, chapter 27, section 4, is further amended by,

- (a) inserting after “(c)” in the first line “or (d)”;
- (b) striking out “or” at the end of clause (d);
- (c) inserting “or” at the end of clause (e); and
- (d) by adding thereto the following clause:
  - (f) provided to install tangible personal property that may be purchased exempt from tax under this subsection.

(3) Paragraphs 6 and 7 of the said subsection 5 (1) are repealed and the following substituted therefor:

1981, c. 59

- 6. fuel taxed under the *Fuel Tax Act, 1981*;
- 7. fuel oil that is not taxed under the *Fuel Tax Act, 1981*.

(4) Paragraph 13 of the said subsection 5 (1) is amended by,

- (a) striking out “ethyl alcohol or methyl alcohol” in the first line and inserting in lieu thereof “ethanol or methanol”; and
- (b) striking out “alcohol” in the third line and inserting in lieu thereof “fuel”.

(5) Paragraph 14 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, and paragraph 14a, as enacted by the Statutes of Ontario, 1981, chapter 38, section 2 and amended by 1983, chapter 27, section 4, are repealed.

(6) Subsection 5 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following paragraphs:

16. materials used in the construction or installation of structures used by persons engaged in the business of farming exclusively to dry grain or as farm grain storage bins, but the exemption conferred by this paragraph does not apply to materials used in footings and foundations, barns, greenhouses, silos or similar structures;

. . . . .

21. equipment purchased by the governing body of a university that is designed for use, and used exclusively, in research or investigation, and repair parts therefor, but the exemption conferred by this paragraph does not apply to any equipment, or repair parts therefor, or labour to install such parts or equipment, where that equipment is used in the instruction of students, or to any type or class of equipment that is prescribed by the Minister to be excluded from this paragraph, or repair parts for such equipment, or the labour to install such equipment or repair parts.

(7) Paragraph 42 of the said subsection 5 (1) is amended by striking out "by a sanatorium as defined under the *Sanatoria for Consumptives Act* or" in the fifth, sixth and seventh lines and inserting in lieu thereof "purchased".

(8) Paragraph 51 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after "school board" in the second line "community college".

(9) Paragraph 53 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof "and repairs thereto".

(10) Paragraph 70 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “more,” in the eighth line “provided that delivery of that truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser before the 1st day of January, 1987, and where the purchaser acquires a truck, truck tractor, truck trailer, tractor trailer or semi-trailer at a sale that is a lease or rental, the tax imposed by this Act shall be computed, paid and collected pursuant to subsection 2 (6) only with respect to those rental payments due and payable by the purchaser under the rental agreement on or after the 1st day of January, 1987”.

(11) Section 5 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following subsection:

Exemption

(2a) Notwithstanding subsection (2), the purchaser of replacement parts to provide a service described in clause (d) of paragraph 21 of section 1 is exempt from the tax imposed by this Act.

5.—(1) Subsection 6 (2) of the said Act is amended by striking out “husband, wife” in the second line and inserting in lieu thereof “spouse”.

(2) Subsection 6 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is amended by striking out “*Family Law Reform Act*” in the sixth line and inserting in lieu thereof “*Family Law Act, 1986*”.

(3) Subsection 6 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is repealed and the following substituted therefor:

Definition  
1986, c. 4

(4) In this section, “spouse” has the meaning given to that expression by section 29 of the *Family Law Act, 1986*.

6.—(1) Subsection 7 (2) of the said Act is amended by inserting after “exhibition” in the third line “staged or held where no performer taking part in that entertainment, event, dance, performance or exhibition receives, or will receive, either directly or indirectly, any remuneration or any other consideration for the performance or where 90 per cent of the performers who regularly participate in the cast of a theatrical or musical performance staged or held in a place of amusement are persons who are permanent residents in Canada as defined



in the *Immigration Act, 1976* (Canada) or to any entertainment, event, dance, performance or exhibition that is”.

(2) Clause 7 (2) (d) of the said Act is repealed and the following substituted therefor:

- (d) an agricultural society constituted under the *Agricultural Societies Act*, during any agricultural fair held by the agricultural society except where the entertainment, event, performance or exhibition is a sporting event.

R.S.O. 1980,  
c. 14

(3) Clause 7 (2) (f) of the said Act is repealed.

7. Section 14 of the said Act is amended by adding thereto the following subsections:

(2) Every vendor of taxable services shall keep records of all purchases and sales made by that vendor of tangible personal property whether for consumption or use or for resale, and any failure to do so constitutes an offence under this Act.

Records of  
vendors of  
taxable  
services

(3) Every vendor who operates a place of amusement in Ontario shall keep records of the charges made by that vendor for entry to the place of amusement and for every entry that is provided to that place as a promotional distribution, and any failure to do so constitutes an offence under this Act.

Records of  
vendors who  
operate  
places of  
amusement

8. Subsection 15 (2) of the said Act is amended by striking out “the Government of Canada or any province of Canada” in the sixth and seventh lines and inserting in lieu thereof “any government” and by striking out “federal or provincial” in the twelfth and thirteenth lines.

9. Subsection 16a (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by adding at the end thereof “whether or not an objection to, or an appeal from, the assessment is outstanding”.

10. Subsection 17 (7) of the said Act is amended by inserting after “appeal” in the first line “and subject to a reassessment”.

11.—(1) Subsection 34 (1) of the said Act is amended by inserting after “that” in the second line “within ninety days”, by inserting after “Treasurer” in the seventh line “forthwith” and by adding at the end thereof “and the requirement shall apply to all moneys that would otherwise be so paid in the ninety days next following the receipt of the registered letter or letter served personally”.



**(2) Subsection 34 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 12, is repealed and the following substituted therefor:**

Idem

(1a) Notwithstanding subsection (1), where the Minister has knowledge or suspects that within ninety days,

- (a) a bank, credit union, trust company or other similar person (in this section referred to as the "institution") is about to loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution;
- (b) a person, other than an institution, is about to loan or advance moneys to or make a payment on behalf of, a person who is liable to make a payment or remittance under this Act and who is,
  - (i) employed by or engaged in providing goods or services to that person and who was, or will within ninety days be, so employed or engaged, or
  - (ii) not dealing at arm's length with that person,

the Minister may, by registered letter, or by letter served personally, require the institution or person, as the case may be, to pay forthwith to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act all or part of the moneys that would otherwise have been loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the person liable to make a payment or remittance under this Act.

Continuing  
effect of  
requisition

(1b) Where, under this section, the Minister has required a person to pay to the Treasurer moneys otherwise payable as interest, rent, remuneration, a dividend, an annuity payment or other periodic payment to a person who is liable to make a payment or remittance under this Act,

- (a) the requirement shall apply to all such periodic payments to be made by the first-named person to the second-named person after the date of receipt of the Minister's letter until the liability of the second-named person is satisfied; and

- (b) the payments required to be made to the Treasurer shall be the full amount of each payment or in such lesser amount as the Minister may designate in the Minister's letter.

(3) Subsection 34 (6) of the said Act is repealed and the following substituted therefor:

- (6) This section is subject to the provisions of the *Wages Act*. Application  
of  
R.S.O. 1980,  
c. 526

**12.—(1) Clause 45 (3) (b) of the said Act is amended by striking out “registered consumer” in the third line.**

(2) Clause 45 (3) (i) of the said Act, as amended by the *Statutes of Ontario, 1983, chapter 27, section 16*, is repealed and the following substituted therefor:

- (i) providing for the rebate of the tax paid on the purchase of,

- (i) a vehicle that is required to be licensed under the *Highway Traffic Act*, where the energy to operate the vehicle is either, R.S.O. 1980,  
c. 198

(A) exclusively electrical energy or energy derived from the internal combustion of propane, natural gas, ethanol, methanol or manufactured gas, or

(B) energy described in sub-subclause (A), where the vehicle can also operate exclusively on energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, 1981, c. 59  
R.S.O. 1980,  
c. 186

but not any vehicle where the energy to operate the vehicle is a mix of a form of energy described in sub-subclause (A) and energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, or

- (ii) a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale,

and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (A) or (B) within ninety days of the date of sale of the vehicle, or

- (iii) tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that operates in the manner described in sub-subclause (i) (A) or (B), including the labour to install that kit, where the vehicle is not so converted within ninety days of the date of sale of the vehicle,

and prescribing the basis upon which such rebate shall be calculated and the conditions under which it shall be made, up to a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$750 with respect to a vehicle using, or converted to the use of, propane and a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$1,000 with respect to a vehicle using, or converted to the use of, any other form of energy described in sub-subclause (i) (A) or (B).

**(3) Clause 45 (3) (j) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:**

- (j) providing for the rebate of the tax paid on the purchase of a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale, and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (i) (A) or (B) within ninety days of the date of sale of the vehicle where delivery of such vehicle is taken by the purchaser on or after the day following the day the *Retail Sales Tax Amendment Act, 1986* receives Royal Assent and before the thirtieth day following the day that Act receives Royal Assent.

R.S.O. 1980,  
c. 198

1986, c. 66

Commence-  
ment and  
application

**13.—(1) This Act, except subsections 4 (10) and 12 (3), comes into force on the thirtieth day following the day it receives Royal Assent.**

(2) Subsection 12 (3) comes into force on the day following the day this Act receives Royal Assent. *Idem*

(3) Subsection 4 (10) comes into force on the 1st day of January, 1987. *Idem*

(4) Subsection 4 (5) and any regulation made under the authority created by subsection 12 (2) applies with respect to any vehicle or conversion kit delivery of which is taken by the purchaser on or after the day this Act comes into force or to any labour that is provided after that day to install a conversion kit. *Idem*

(5) Section 6 applies to any sale of admission to a place of amusement after the day this Act comes into force. *Idem*

**14.** The short title of this Act is the *Retail Sales Tax Amendment Act, 1986*. *Short title*





# Bill 27

## **An Act to amend the Corporations Tax Act**

The Hon. R. Nixon  
*Minister of Revenue*

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*1st Reading*      May 13th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

**GENERAL.** The Bill implements the proposals contained in the Treasurer's Budget of May 13th, 1986 and amends the *Corporations Tax Act* (the "Act"), consequential upon the passage of amendments to the *Income Tax Act* (Canada) (the "Federal Act"), in order to maintain the provisions of the Act in conformity with existing policies of the Treasurer for the taxation of corporations.

**SECTION 1.** The enactment of subsection 1 (7) of the Act will authorize regulations to be made by the Lieutenant Governor in Council to permit a corporation which is subject to tax under the Act, the Federal Act and the income tax laws of another country to obtain relief from double taxation (in the cases to be specified by the regulations) similar to the relief from double taxation under the Federal Act currently available to corporations through the operation of a Tax Treaty or Convention between Canada and the other country, which Treaty overrides the provisions of the Federal Act but not the provisions of the Act.

**SECTION 2.—Subsection 1.** The re-enactment of clause 12 (8) (a) of the Act implements the Treasurer's Budget proposal of limiting the claiming of a reserve by a corporation as a deduction from income with respect to deferred business profits earned but not received to a maximum time period of three taxation years.

**Subsection 2.** The addition of subsection 12 (17) to the Act, which is consequential upon amendments to the Federal Act providing that the processing of iron ore beyond the pellet stage to the prime metal stage will no longer qualify as a mining activity, continues the implementation of the Treasurer's 1982 Budget proposal that iron ore processing to prime metal stage will continue to qualify as a mining activity and, accordingly, Crown royalties paid will continue to be non-deductible and Crown royalties received will continue to be included in income with respect to iron ore processing to the prime metal stage.

**SECTION 3.—Subsection 1.** The repeal of subsection 13 (1a) of the Act implements the Treasurer's Budget proposal of imposing a maximum time limit of five years for claiming capital gains reserves.

**Subsection 2.** The re-enactment of subsection 13 (1b) of the Act, which is consequential upon the passage of amendments to the Federal Act, continues the implementation of the Treasurer's policy of treating foreign resource properties as capital properties.

**SECTION 4.** The amendments to subsection 14 (3) of the Act are consequential upon amendments to the Federal Act and ensure that foreign resource properties will continue to be treated as capital properties for Ontario purposes and reserves may continue to be claimed on the disposition of such properties prior to 1987.

**SECTION 5.** The amendments to subsections 16 (1) and (1a) of the Act remove references to repealed provisions of the Federal Act in order to continue the implementation of the Treasurer's policy of allowing reserves on the disposition prior to 1987 of Canadian resource properties, while the repeal of these subsections (which provided an exception to the application of the rules under the Federal Act) with respect to dispositions after 1986 implements the Treasurer's Budget proposal of denying the claiming of a reserve on the disposition of resource properties.

**SECTION 6.** The amendment to sub-subclause 18 (2) (b) (ii) (C) of the Act removes references to repealed provisions of the Federal Act in order to continue the implementation of the Treasurer's policy of permitting corporations primarily engaged in non-resource businesses to claim certain deductions with respect to Canadian exploration and development expenses, while the re-enactment of this sub-subclause with respect to dispositions after 1986 is consequential upon the Treasurer's Budget proposal to deny the claiming of reserves in respect of the disposition of resource properties.

**SECTION 7.—Subsection 1.** The re-enactment of clause 25 (3) (a) of the Act is consequential upon amendments to the Federal Act and continues the implementation of the existing tax treatment of resource related income and deductions for a partnership and its partners.

**Subsection 2.** The amendment removes a reference to former subsection 2 (3) of the Act which was repealed by the *Corporations Tax Amendment Act, 1985*.

**SECTION 8.** The amendment to subsection 27 (1) and enactment of subsection 27 (7) of the Act clarify that a corporation must add to its taxable income and non-capital loss for Ontario purposes the same amount that it has, for the purpose of increasing its entitlement to foreign tax credits under the Federal Act, added to its taxable income and non-capital loss for the taxation year under the Federal Act.

**SECTION 9.—Subsections 1 and 2.** The amendment to section 40 of the Act, which is consequential upon the increase in the income tax rate from 15 per cent to 15.5 per cent enacted by the *Corporations Tax Amendment Act, 1985*, clarifies that the “refundable capital gains tax on hand” of a mutual fund corporation, which is the amount of tax paid by a mutual fund corporation on its capital gains which is refundable to it when the capital gains are “transferred” to and taxable in the hands of its shareholders, equals the amount of tax paid or payable by the mutual fund corporation.

**Subsection 3.** The removal of the reference to paragraph 131 (6) (c) of the Federal Act is consequential upon the repeal of that paragraph due to redundancy in the Federal Act.

**SECTION 10.** The amendment to section 43 of the Act prorates the additional deduction from tax allowed to credit unions in the Treasurer’s Budget of October 24th, 1985, for taxation years ending after Royal Assent of the *Corporations Tax Amendment Act, 1985*, to ensure that the effective tax rate for credit unions will be 10 per cent, despite the increase in the general income tax rate from 15 per cent to 15.5 per cent as enacted by that Act.

**SECTION 11.—Subsections 1 and 2.** The amendment to subclause 53 (1) (c) (ii) of the Act and the repeal of subclause 53 (1) (c) (iii) of the Act are consequential upon the repeal of subsection 13 (1a) of the Act by section 3 of this Bill and the repeal of subsections 16 (1) and (1a) of the Act by section 5 of this Bill.

**Subsections 3 and 4.** The amendments clarify that accounts payable outstanding for a significant period of time and bankers’ acceptances be included in a corporation’s taxable paid-up capital, upon which capital tax is imposed.

**SECTION 12.—Subsections 1, 2, 3 and 4.** The amendments to section 54 of the Act implement the Treasurer’s Budget proposals of,

- (a) extending the “120 day rule” to permit an investment allowance deduction in the calculation of the taxable paid-up capital of a corporation, upon which capital tax is imposed, only with respect to investments made by the corporation which have a term of at least 120 days or which have been held for at least 120 days; and
- (b) providing tax relief to investment dealers by permitting an investment allowance deduction in the calculation of the taxable paid-up capital of a corporation that is an investment dealer with respect to money market instruments held in the inventory of the investment dealer.

**Subsections 5 and 6.** The amendment to subclause 54 (3) (c) (ii) of the Act and the repeal of subclause 54 (3) (c) (iii) of the Act are consequential upon the repeal of subsection 13 (1a) of the Act by section 3 of this Bill and the repeal of subsections 16 (1) and (1a) of the Act by section 5 of this Bill.



**SECTION 13.** The amendments to section 61 of the Act are consequential upon the repeal of the definition of "connected partnerships" in the Federal Act, which had been adopted for the purposes of the Act in determining whether a corporation which was a member of a partnership or a "connected partnership" was eligible to pay the reduced rate of capital tax, and add the same definition to the Act that was former subsection 125 (13) of the Federal Act.

**SECTION 14.** The re-enactment of clause 67 (1a) (e) clarifies that a corporation will not qualify as a "special small corporation" and be exempt from the requirement to file a return under the Act if its income tax liability was reduced to nil by reason of being eligible to claim tax credits but will qualify only if it had no taxable income for the year.

Bill 27

1986

## An Act to amend the Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 37, section 1, 1983, chapter 29, section 1, 1984, chapter 29, section 1 and 1985, chapter 11, section 1, is further amended by adding thereto the following subsection:

(7) Where,

Tax Treaty

(a) a corporation is subject to tax under this Act and under the *Income Tax Act* (Canada); and

R.S.C. 1952,  
c. 148

(b) the corporation's liability for tax under the *Income Tax Act* (Canada) is subject to and modified by the application of the provisions of a Tax Treaty, Agreement or Convention between Canada and another country,

the provisions of this Act may be modified and applied in the manner prescribed by the regulations for the purpose of giving effect to a provision of such a Treaty, Agreement or Convention for the purposes of this Act.

**2.—(1)** Clause 12 (8) (a) of the said Act is repealed and the following substituted therefor:

(a) notwithstanding subsection 20 (8) of the *Income Tax Act* (Canada), the said paragraph (n) does not apply to allow a deduction in computing the income of a corporation for a taxation year from a business in respect of a property sold in the course of the business if,

R.S.C. 1952,  
c. 148

- (i) the corporation at the end of the taxation year or at any time in the immediately following taxation year,
  - (A) was exempt from tax under any provision of this Part, or
  - (B) ceased to have a permanent establishment in Canada, or
- (ii) the sale occurred more than thirty-six months before the end of the taxation year; and

(2) Section 12 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 3, 1982, chapter 19, section 1, 1983, chapter 29, section 2, 1984, chapter 29, section 2 and 1985, chapter 11, section 6, is further amended by adding thereto the following subsection:

Idem

(17) In the application of subparagraphs 12 (l) (o) (v) and 18 (1) (m) (v) of the *Income Tax Act* (Canada) for the purposes of this Act, the following rules apply:

1. Clause 12 (1) (o) (v) (B) shall be read as follows:

(B) to any stage that is not beyond the prime metal stage or its equivalent, of metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource.

2. Clauses 12 (1) (o) (v) (C) and 18 (1) (m) (v) (C) are not applicable for the purposes of this Act.

3. Clause 18 (1) (m) (v) (B) shall be read as follows:

(B) metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource in Canada to any stage that is not beyond the prime metal stage or its equivalent.

**3.—(1) Subsection 13 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed.**

**(2) Subsection 13 (1b) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed and the following substituted therefor:**

(1b) In the application of paragraph 39 (1) (a) of the *Income Tax Act* (Canada) for the purposes of this Act, sub-paragraph 39 (1) (a) (ii.1) is not applicable.

Idem

R.S.C. 1952,  
c. 148

**4.—**(1) Clause 14 (3) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4 and amended by the Statutes of Ontario, 1984, chapter 29, section 4, is repealed and the following substituted therefor:

- (a) subsection (1) and paragraphs (3.2) (a) and (3.3) (f) of the said section are not applicable; and

(2) Clause 14 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4, is amended by striking out “subsections (2) and (2.1)” in the first line and inserting in lieu thereof “subsection (2)”.

**5.—**(1) Subsection 16 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.1) or (3.1) of the said Act applies” in the sixth and seventh lines.

(2) Subsection 16 (1) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987.

(3) Subsection 16 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.2) of the said Act applies” in the sixth and seventh lines.

(4) Subsection 16 (1a) of the said Act, as amended by subsection (3) of this section, is repealed on the 1st day of January, 1987.

**6.—**(1) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 6, is amended by striking out “or a property referred to in paragraph 59 (1.2) (b) of the *Income Tax Act* (Canada) or subsection 59 (3.1) of that Act” in the third, fourth, fifth and sixth lines.

(2) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987 and the following substituted therefor:

- (C) the aggregate of amounts, each of which is an amount in respect of a Canadian



resource property that has been disposed of by it, equal to the amount included in computing its income for the taxation year by virtue of subsection 14 (3) in respect of the disposition of the property,

**7.—(1)** Clause 25 (3) (a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 9, is repealed and the following substituted therefor:

R.S.C. 1952,  
c. 148

(a) subsections 66.1 (1), 66.2 (1) and 66.4 (1) of the *Income Tax Act* (Canada) shall be deemed to be references to those provisions as made applicable by section 18a of this Act.

(2) Subsection 25 (4) of the said Act is amended by striking out “or (3), as the case may be” in the third line and in the fifth line.

**8.—(1)** Subsection 27 (1) of the said Act is amended by striking out “deductions” in the fifth line and inserting in lieu thereof “additions and deductions”.

(2) Section 27 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 10, 1984, chapter 29, section 8 and 1985, chapter 11, section 11, is further amended by adding thereto the following subsection:

Idem

R.S.C. 1952,  
c. 148

(7) In the application of section 110.5 and paragraph 111 (8) (b) of the *Income Tax Act* (Canada) for the purposes of this Act, the amount determined under section 110.5 added to the taxable income of the corporation for the taxation year and to the non-capital loss of the corporation for the taxation year under subparagraph 111 (8) (b) (ii) for the purposes of that Act shall be the amount added to the taxable income and included in the non-capital loss of the corporation for the taxation year for the purposes of this Act.

**9.—(1)** Subsection 40 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 15 and amended by 1985, chapter 11, section 19, is further amended by adding at the commencement thereof “Subject to subsection (5a)”.

(2) Section 40 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 15 and 1985, chapter 11,

**section 19, is further amended by adding thereto the following subsection:**

(5a) In the application of subparagraph 131 (6) (d) (i) of the said Act for the purposes of this Act, the percentage referred to in clauses (A) and (B) thereof shall, with respect to a taxation year ending after the 18th day of December, 1985 but commencing before the 19th day of December, 1985, be read as 15 per cent plus that proportion of  $\frac{1}{2}$  of 1 per cent that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year. Idem

**(3) Subsection 40 (7) of the said Act is amended by striking out “and paragraph (6) (c) of the said section” in the second line.**

**10.—(1) Subsection 43 (4) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 21, is amended by adding at the commencement thereof “Subject to subsection (6)”.**

**(2) Section 43 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 11, section 21, is further amended by adding thereto the following subsection:**

(6) In the application of subsection (4), where the taxation year of a corporation that was, throughout the taxation year, a credit union, ends after the 18th day of December, 1985, but commenced before the 19th day of December, 1985, the deduction from tax permitted under subsection (4) shall not exceed the aggregate of, Idem

- (a) that proportion of the amount that would be deductible from tax under subsection (4), if the reference to “5.5 per cent” in the fourth line thereof was read as “5 per cent”, that the number of days in the taxation year before the 19th day of December, 1985 is of the total number of days in the taxation year; and
- (b) that proportion of the amount otherwise deductible from tax under subsection (4) that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year.

**11.—(1) Subclause 53 (1) (c) (ii) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 29, section 15, is amended by striking out “subsections 13 (1) and (1a)” in**

the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(2) Subclause 53 (1) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 17, is repealed.

(3) Subsection 53 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by striking out "and" at the end of clause (d), by adding "and" at the end of clause (e) and by adding thereto the following clause:

- (f) all its indebtedness represented by bankers' acceptances.

(4) Section 53 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1982, chapter 19, section 3, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by adding thereto the following subsection:

Accounts  
payable

(1a) For the purpose of clause (1) (d), sums or credits advanced or loaned to the corporation include,

- (a) accounts payable to a related corporation that have been outstanding for 120 or more days prior to the end of the taxation year; and
- (b) accounts payable to a corporation other than a related corporation that have been outstanding for 365 or more days prior to the end of the taxation year.

**12.—**(1) Clause 54 (1) (c) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11 and 1983, chapter 29, section 18, is further amended,

- (a) by adding at the commencement thereof "subject to subsection 54 (2d)";
- (b) by striking out "shares and bonds" in the fifth line and inserting in lieu thereof "shares, bonds and lien notes".

(2) Subclause 54 (1) (c) (iv) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is amended by adding at the end thereof "prior to the end of the taxation year".



**(3) Subclause 54 (1) (c) (v) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 11 and amended by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed and the following substituted therefor:**

(v) bankers' acceptances are deemed not to be loans and advances to other corporations unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,

(vii) bonds or treasury bills issued by a government are deemed not to be bonds or securities of a government unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,

(viii) loans and advances to other corporations are deemed not to include commercial paper issued by a corporation unless issued for a term of 120 or more days and held by the corporation for at least 120 days prior to the end of the taxation year or, if issued without a specified term, unless held by the corporation for at least 120 days prior to the end of the taxation year,

(ix) accounts receivable by the corporation from a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 120 or more days prior to the end of the taxation year, and

(x) accounts receivable by the corporation from a corporation other than a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 365 or more days prior to the end of the taxation year.

**(4) Section 54 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11, 1982, chapter 19, section 4, 1983, chapter 29, section 18, 1984, chapter 29, section 16 and 1985, chapter 11, section 24, is further amended by adding thereto the following subsection:**



## Application

(2d) Subclauses 54 (1) (c) (iv), (v), (vii) and (viii) do not apply for the purposes of determining the amount under clause 54 (1) (c) deductible by a corporation which is an investment dealer or broker in respect of money market instruments, including treasury bills and bonds issued by a government, bearer deposit notes issued by a bank, commercial paper and bankers' acceptances, where such instruments are included in the corporation's inventory of securities at the end of the taxation year being held for sale to its customers and, for the purpose of clause 54 (1) (c), such instruments are deemed to be investments made by the corporation.

(5) Subclause 54 (3) (c) (ii) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 29, section 16, is amended by striking out "subsections 13 (1) and (1a)" in the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(6) Subclause 54 (3) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed.

**13.—**(1) Clause 61 (4) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 13 and amended by 1983, chapter 29, section 19, is further amended by striking out "as defined in subsection 125 (13) of the *Income Tax Act* (Canada)," in the second and third lines.

(2) Section 61 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 13, 1983, chapter 29, section 19 and 1984, chapter 29, section 17, is further amended by adding thereto the following subsection:

Connected  
partnerships

(7) For the purposes of this section, a partnership of which a corporation was a member in a taxation year (hereinafter referred to as the "first partnership") is connected with another partnership (hereinafter referred to as the "second partnership") if,

- (a) more than 50 per cent of the total income or loss, as the case may be, of the first partnership for its fiscal periods ending in or coinciding with the taxation year is included in the determination of the income of a particular person or a particular group of persons; and
- (b) more than 50 per cent of the total income or loss, as the case may be, of the second partnership for its fiscal periods ending in or coinciding with the tax-

tion year is included in the determination of the income of,

- (i) the particular person,
- (ii) the particular group of persons,
- (iii) any corporation associated with the particular person or with any member of the particular group of persons,
- (iv) any group of corporations each member of which is associated with the particular person or with any member of the particular group of persons, or
- (v) any group of persons each member of which is a person or a member of a group of persons described in any of subclauses (i) to (iv).

**14. Clause 67 (1a) (e) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 29, is repealed and the following substituted therefor:**

- (e) it had no taxable income under this Act for the taxation year and the only tax payable by it under this Act for the taxation year is imposed by Part III and does not exceed \$100.

**15.—(1) Section 1 comes into force on the day after the day this Act receives Royal Assent.**

Commence-  
ment and  
application

**(2) Subsection 2 (1) and subsection 3 (1) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986.**

Idem

**(3) Subsections 5 (2) and (4) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986.**

Idem

**(4) Subsection 6 (2) comes into force on the 1st day of January, 1987, and applies in respect of taxation years of corporations ending after the 31st day of December, 1986, where a disposition has occurred after the 31st day of December, 1986.**

Idem

**(5) Subsection 2 (2) shall be deemed to have come into force on the 1st day of January, 1985, and applies with respect to amounts payable after the 31st day of December, 1984.**

Idem

Idem

(6) Subsection 3 (2), subsections 4 (1) and (2) and section 7 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations with respect to all taxation years commencing after the 31st day of December, 1984.

Idem

(7) Subsection 6 (1) shall be deemed to have come into force on the 1st day of January, 1985, and applies to corporations with respect to dispositions occurring in taxation years commencing after the 31st day of December, 1984.

Idem

(8) Subsections 5 (1) and (3) shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to dispositions made by a corporation before the 1st day of January, 1987, in any taxation year of the corporation commencing after the 31st day of December, 1984.

Idem

(9) Subsections 9 (1) and (2) and section 10 shall be deemed to have come into force on the 19th day of December, 1985, and apply to corporations in respect of all taxation years ending after the 18th day of December, 1985.

Idem

(10) Section 8, subsection 9 (3) and section 13 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1984.

Idem

(11) Subsections 11 (3) and (4) and subsections 12 (1), (2), (3) and (4) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986.

Idem

(12) Subsections 11 (1) and (2) and subsections 12 (5) and (6) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986, with respect to dispositions made after the 31st day of December, 1986.

Idem

(13) Section 14 shall be deemed to have come into force on the 1st day of April, 1986, and applies to corporations in respect of all taxation years ending after the 31st day of March, 1986.

Short title

**16.** The short title of this Act is the *Corporations Tax Amendment Act, 1986*.







# Bill 27

*(Chapter 39  
Statutes of Ontario, 1986)*

## **An Act to amend the Corporations Tax Act**

The Hon. R. Nixon  
*Minister of Revenue*

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<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 23rd, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986

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Bill 27

1986

## An Act to amend the Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 37, section 1, 1983, chapter 29, section 1, 1984, chapter 29, section 1 and 1985, chapter 11, section 1, is further amended by adding thereto the following subsection:

(7) Where,

Tax Treaty

(a) a corporation is subject to tax under this Act and under the *Income Tax Act* (Canada); and

R.S.C. 1952,  
c. 148

(b) the corporation's liability for tax under the *Income Tax Act* (Canada) is subject to and modified by the application of the provisions of a Tax Treaty, Agreement or Convention between Canada and another country,

the provisions of this Act may be modified and applied in the manner prescribed by the regulations for the purpose of giving effect to a provision of such a Treaty, Agreement or Convention for the purposes of this Act.

**2.—(1)** Clause 12 (8) (a) of the said Act is repealed and the following substituted therefor:

(a) notwithstanding subsection 20 (8) of the *Income Tax Act* (Canada), the said paragraph (n) does not apply to allow a deduction in computing the income of a corporation for a taxation year from a business in respect of a property sold in the course of the business if,

R.S.C. 1952,  
c. 148



- (i) the corporation at the end of the taxation year or at any time in the immediately following taxation year,
  - (A) was exempt from tax under any provision of this Part, or
  - (B) ceased to have a permanent establishment in Canada, or
- (ii) the sale occurred more than thirty-six months before the end of the taxation year; and

. . . . .

**(2) Section 12 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 3, 1982, chapter 19, section 1, 1983, chapter 29, section 2, 1984, chapter 29, section 2 and 1985, chapter 11, section 6, is further amended by adding thereto the following subsection:**

Idem

R.S.C. 1952,  
c. 148

(17) In the application of subparagraphs 12 (l) (o) (v) and 18 (1) (m) (v) of the *Income Tax Act* (Canada) for the purposes of this Act, the following rules apply:

1. Clause 12 (1) (o) (v) (B) shall be read as follows:

(B) to any stage that is not beyond the prime metal stage or its equivalent, of metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource.

2. Clauses 12 (1) (o) (v) (C) and 18 (1) (m) (v) (C) are not applicable for the purposes of this Act.

3. Clause 18 (1) (m) (v) (B) shall be read as follows:

(B) metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource in Canada to any stage that is not beyond the prime metal stage or its equivalent.

**3.—(1) Subsection 13 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed.**

**(2) Subsection 13 (1b) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed and the following substituted therefor:**

(1b) In the application of paragraph 39 (1) (a) of the *Income Tax Act* (Canada) for the purposes of this Act, sub-paragraph 39 (1) (a) (ii.1) is not applicable.

Idem  
R.S.C. 1952,  
c. 148

**4.—**(1) Clause 14 (3) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4 and amended by the Statutes of Ontario, 1984, chapter 29, section 4, is repealed and the following substituted therefor:

(a) subsection (1) and paragraphs (3.2) (a) and (3.3) (f) of the said section are not applicable; and

. . . . .

(2) Clause 14 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4, is amended by striking out “subsections (2) and (2.1)” in the first line and inserting in lieu thereof “subsection (2)”.

**5.—**(1) Subsection 16 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.1) or (3.1) of the said Act applies” in the sixth and seventh lines.

(2) Subsection 16 (1) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987.

(3) Subsection 16 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.2) of the said Act applies” in the sixth and seventh lines.

(4) Subsection 16 (1a) of the said Act, as amended by subsection (3) of this section, is repealed on the 1st day of January, 1987.

**6.—**(1) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 6, is amended by striking out “or a property referred to in paragraph 59 (1.2) (b) of the *Income Tax Act* (Canada) or subsection 59 (3.1) of that Act” in the third, fourth, fifth and sixth lines.

(2) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987 and the following substituted therefor:

(C) the aggregate of amounts, each of which is an amount in respect of a Canadian

resource property that has been disposed of by it, equal to the amount included in computing its income for the taxation year by virtue of subsection 14 (3) in respect of the disposition of the property,

**7.—(1) Clause 25 (3) (a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 9, is repealed and the following substituted therefor:**

R.S.C. 1952,  
c. 148

- (a) subsections 66.1 (1), 66.2 (1) and 66.4 (1) of the *Income Tax Act* (Canada) shall be deemed to be references to those provisions as made applicable by section 18a of this Act.

(2) Subsection 25 (4) of the said Act is amended by striking out “or (3), as the case may be” in the third line and in the fifth line.

**8.—(1) Subsection 27 (1) of the said Act is amended by striking out “deductions” in the fifth line and inserting in lieu thereof “additions and deductions”.**

(2) Section 27 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 10, 1984, chapter 29, section 8 and 1985, chapter 11, section 11, is further amended by adding thereto the following subsection:

Idem

R.S.C. 1952,  
c. 148

(7) In the application of section 110.5 and paragraph 111 (8) (b) of the *Income Tax Act* (Canada) for the purposes of this Act, the amount determined under section 110.5 added to the taxable income of the corporation for the taxation year and to the non-capital loss of the corporation for the taxation year under subparagraph 111 (8) (b) (ii) for the purposes of that Act shall be the amount added to the taxable income and included in the non-capital loss of the corporation for the taxation year for the purposes of this Act.

**9.—(1) Subsection 40 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 15 and amended by 1985, chapter 11, section 19, is further amended by adding at the commencement thereof “Subject to subsection (5a)”.**

(2) Section 40 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 15 and 1985, chapter 11,



**section 19, is further amended by adding thereto the following subsection:**

(5a) In the application of subparagraph 131 (6) (d) (i) of the said Act for the purposes of this Act, the percentage referred to in clauses (A) and (B) thereof shall, with respect to a taxation year ending after the 18th day of December, 1985 but commencing before the 19th day of December, 1985, be read as 15 per cent plus that proportion of  $\frac{1}{2}$  of 1 per cent that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year. Idem

**(3) Subsection 40 (7) of the said Act is amended by striking out “and paragraph (6) (c) of the said section” in the second line.**

**10.—(1) Subsection 43 (4) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 21, is amended by adding at the commencement thereof “Subject to subsection (6)”.**

**(2) Section 43 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 11, section 21, is further amended by adding thereto the following subsection:**

(6) In the application of subsection (4), where the taxation year of a corporation that was, throughout the taxation year, a credit union, ends after the 18th day of December, 1985, but commenced before the 19th day of December, 1985, the deduction from tax permitted under subsection (4) shall not exceed the aggregate of, Idem

- (a) that proportion of the amount that would be deductible from tax under subsection (4), if the reference to “5.5 per cent” in the fourth line thereof was read as “5 per cent”, that the number of days in the taxation year before the 19th day of December, 1985 is of the total number of days in the taxation year; and
- (b) that proportion of the amount otherwise deductible from tax under subsection (4) that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year.

**11.—(1) Subclause 53 (1) (c) (ii) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 29, section 15, is amended by striking out “subsections 13 (1) and (1a)” in**



the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(2) Subclause 53 (1) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 17, is repealed.

(3) Subsection 53 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by striking out "and" at the end of clause (d), by adding "and" at the end of clause (e) and by adding thereto the following clause:

- (f) all its indebtedness represented by bankers' acceptances.

(4) Section 53 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1982, chapter 19, section 3, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by adding thereto the following subsection:

Accounts  
payable

(1a) For the purpose of clause (1) (d), sums or credits advanced or loaned to the corporation include,

- (a) accounts payable to a related corporation that have been outstanding for 120 or more days prior to the end of the taxation year; and
- (b) accounts payable to a corporation other than a related corporation that have been outstanding for 365 or more days prior to the end of the taxation year.

**12.—**(1) Clause 54 (1) (c) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11 and 1983, chapter 29, section 18, is further amended,

- (a) by adding at the commencement thereof "subject to subsection 54 (2d)";
- (b) by striking out "shares and bonds" in the fifth line and inserting in lieu thereof "shares, bonds and lien notes".

(2) Subclause 54 (1) (c) (iv) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is amended by adding at the end thereof "prior to the end of the taxation year".

**(3) Subclause 54 (1) (c) (v) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 11 and amended by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed and the following substituted therefor:**

- (v) bankers' acceptances are deemed not to be loans and advances to other corporations unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,
- (vii) bonds or treasury bills issued by a government are deemed not to be bonds or securities of a government unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,
- (viii) loans and advances to other corporations are deemed not to include commercial paper issued by a corporation unless issued for a term of 120 or more days and held by the corporation for at least 120 days prior to the end of the taxation year or, if issued without a specified term, unless held by the corporation for at least 120 days prior to the end of the taxation year,
- (ix) accounts receivable by the corporation from a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 120 or more days prior to the end of the taxation year, and
- (x) accounts receivable by the corporation from a corporation other than a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 365 or more days prior to the end of the taxation year.

**(4) Section 54 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11, 1982, chapter 19, section 4, 1983, chapter 29, section 18, 1984, chapter 29, section 16 and 1985, chapter 11, section 24, is further amended by adding thereto the following subsection:**

## Application

(2d) Subclauses 54 (1) (c) (iv), (v), (vii) and (viii) do not apply for the purposes of determining the amount under clause 54 (1) (c) deductible by a corporation which is an investment dealer or broker in respect of money market instruments, including treasury bills and bonds issued by a government, bearer deposit notes issued by a bank, commercial paper and bankers' acceptances, where such instruments are included in the corporation's inventory of securities at the end of the taxation year being held for sale to its customers and, for the purpose of clause 54 (1) (c), such instruments are deemed to be investments made by the corporation.

(5) Subclause 54 (3) (c) (ii) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 29, section 16, is amended by striking out "subsections 13 (1) and (1a)" in the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(6) Subclause 54 (3) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed.

**13.—**(1) Clause 61 (4) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 13 and amended by 1983, chapter 29, section 19, is further amended by striking out "as defined in subsection 125 (13) of the *Income Tax Act* (Canada)," in the second and third lines.

(2) Section 61 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 13, 1983, chapter 29, section 19 and 1984, chapter 29, section 17, is further amended by adding thereto the following subsection:

Connected  
partnerships

(7) For the purposes of this section, a partnership of which a corporation was a member in a taxation year (hereinafter referred to as the "first partnership") is connected with another partnership (hereinafter referred to as the "second partnership") if,

- (a) more than 50 per cent of the total income or loss, as the case may be, of the first partnership for its fiscal periods ending in or coinciding with the taxation year is included in the determination of the income of a particular person or a particular group of persons; and
- (b) more than 50 per cent of the total income or loss, as the case may be, of the second partnership for its fiscal periods ending in or coinciding with the tax-



tion year is included in the determination of the income of,

- (i) the particular person,
- (ii) the particular group of persons,
- (iii) any corporation associated with the particular person or with any member of the particular group of persons,
- (iv) any group of corporations each member of which is associated with the particular person or with any member of the particular group of persons, or
- (v) any group of persons each member of which is a person or a member of a group of persons described in any of subclauses (i) to (iv).

**14. Clause 67 (1a) (e) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 29, is repealed and the following substituted therefor:**

- (e) it had no taxable income under this Act for the taxation year and the only tax payable by it under this Act for the taxation year is imposed by Part III and does not exceed \$100.

**15.—(1) Section 1 comes into force on the day after the day this Act receives Royal Assent.**

Commence-  
ment and  
application

**(2) Subsection 2 (1) and subsection 3 (1) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986.**

Idem

**(3) Subsections 5 (2) and (4) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986.**

Idem

**(4) Subsection 6 (2) comes into force on the 1st day of January, 1987, and applies in respect of taxation years of corporations ending after the 31st day of December, 1986, where a disposition has occurred after the 31st day of December, 1986.**

Idem

**(5) Subsection 2 (2) shall be deemed to have come into force on the 1st day of January, 1985, and applies with respect to amounts payable after the 31st day of December, 1984.**

Idem



- Idem** (6) Subsection 3 (2), subsections 4 (1) and (2) and section 7 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations with respect to all taxation years commencing after the 31st day of December, 1984.
- Idem** (7) Subsection 6 (1) shall be deemed to have come into force on the 1st day of January, 1985, and applies to corporations with respect to dispositions occurring in taxation years commencing after the 31st day of December, 1984.
- Idem** (8) Subsections 5 (1) and (3) shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to dispositions made by a corporation before the 1st day of January, 1987, in any taxation year of the corporation commencing after the 31st day of December, 1984.
- Idem** (9) Subsections 9 (1) and (2) and section 10 shall be deemed to have come into force on the 19th day of December, 1985, and apply to corporations in respect of all taxation years ending after the 18th day of December, 1985.
- Idem** (10) Section 8, subsection 9 (3) and section 13 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1984.
- Idem** (11) Subsections 11 (3) and (4) and subsections 12 (1), (2), (3) and (4) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986.
- Idem** (12) Subsections 11 (1) and (2) and subsections 12 (5) and (6) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986, with respect to dispositions made after the 31st day of December, 1986.
- Idem** (13) Section 14 shall be deemed to have come into force on the 1st day of April, 1986, and applies to corporations in respect of all taxation years ending after the 31st day of March, 1986.
- Short title** **16.** The short title of this Act is the *Corporations Tax Amendment Act, 1986*.

# Bill 28

## **An Act to amend the Income Tax Act**

The Hon. R. Nixon  
*Minister of Revenue*

---

*1st Reading*      May 13th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

**GENERAL.** The Bill implements the proposal contained in the Treasurer's Budget of May 13th, 1986 and amends the *Income Tax Act* consequential upon the passage of amendments to the *Income Tax Act* (Canada) (the "Federal Act").

**SECTION 1.** The re-enactment of section 2b implements the Treasurer's Budget proposal to continue the surcharge currently in force for the 1986 taxation year to subsequent taxation years, with the surcharge continuing to be calculated as 3 per cent of Ontario income tax in excess of \$5,000, determined before any deduction for the foreign tax credit, property tax credit or sales tax credit.

**SECTION 2.** The addition of the reference to paragraph 110 (1) (d) of the Federal Act in subclause 3 (8) (b) (ii) of the Act is consequential upon amendments to the Federal Act and ensures that a taxpayer's foreign tax credit will not be eroded as a result of claiming a deduction in respect of a stock option benefit.

**SECTION 3.** The amendment is consequential upon the reduction of the general time limit for permitting refunds of tax under the Federal Act and under the Act, as provided for by section 7 of this Bill, and provides that applications for tax credits under section 7 of the Act must be made within three years after the end of the taxation year to which the credit relates.

**SECTION 4.** The amendment clarifies that taxpayers are required to file a tax return even though they may have reduced their tax liability under the Act to nil by having claimed a scientific research tax credit or a scientific research and experimental development tax credit in the calculation of their Federal income tax for the year.

**SECTION 5.—Subsections 1, 2, 4 and 5.** The amendments reduce the existing general time limit during which the Minister may issue reassessments and additional assessments of tax under the Act from four years to three years to parallel similar changes in the Federal Act.

**Subsection 3.** The enactment of subsection 10 (4a) provides a time limit for issuing additional assessments and reassessments of tax when a taxpayer, who has filed a waiver of the time limit for such assessments and reassessments, subsequently revokes the waiver.

**SECTION 6.** The amendment provides that the Minister will not assess interest if the total amount of interest payable by a taxpayer on late or deficient tax instalments under the Act and the Federal Act does not exceed \$25 for the taxation year.

**SECTION 7.—Subsection 1.** The amendments are consequential upon the reduction of the general time limit for issuing reassessments and additional assessments of tax and permit a refund of tax if a taxpayer files a return within the new time limit of three years.

**Subsection 2.** The amendments are consequential upon technical amendments to the wording of the Federal Act.

**Subsection 3.** Subsection 19 (4a) of the Act provides that where on the disposition of an appeal a Court has ordered the Minister to issue a reassessment, the Minister shall make the reassessment with all due dispatch and shall refund any resulting overpayment to the taxpayer, notwithstanding that the Minister may intend to appeal the Court decision, and the Minister may similarly repay taxes paid by any other taxpayer who has appealed or objected to an assessment where the reasons given by the Court on the appeal are such that it is considered just and equitable to make a tax refund to the other taxpayer.

**SECTION 8.** The amendment is consequential upon the reduction of the general time limit for issuing additional assessments and reassessments under the Act.

**SECTION 9.** The amendment provides that if the Minister has not confirmed an assessment or issued a reassessment within ninety days of receipt of a taxpayer's notice of

objection, instead of within the current time period of 180 days, the taxpayer may proceed to appeal the assessment to the Supreme Court of Ontario without waiting further.

**SECTION 10.** The re-enactment of subsection 27 (3) and the enactment of subsection 27 (3a) permit the Minister to accept and release security for the payment of taxes, interest and penalties under the Act in a manner similar to the authority to take security for the payment of taxes under other statutes administered by the Minister.

**SECTION 11.** The amendment clarifies that interest is calculated by reference to amounts that a taxpayer was required to deduct and withhold but failed to deduct and withhold under the Act.





Bill 28

1986

## An Act to amend the Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2b of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 12, section 1, is repealed and the following substituted therefor:

**2b.** Every individual shall, in addition to the amount of tax otherwise payable by such taxpayer under this Act, pay an additional income tax in respect of the 1986 and subsequent taxation years equal to 3 per cent of the amount, if any, by which the tax that would, but for section 120.1 of the Federal Act, be otherwise payable for the taxation year under this Act, before any deduction authorized under subsection 3 (8) or section 7, exceeds \$5,000. Surcharge

**2.** Subclause 3 (8) (b) (ii) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, is further amended by striking out "paragraph 110 (1) (f) or" in the amendment of 1984 and inserting in lieu thereof "paragraph 110 (1) (d) or (f) or".

**3.** Subsection 7 (13) of the said Act is amended by striking out "four" in the eighteenth line and inserting in lieu thereof "three".

**4.** Subsection 8 (1) of the said Act is amended by inserting after "Act" in the second line "or would be payable but for the application of section 127.3 of the Federal Act in the calculation of tax payable under the Federal Act,".

**5.—(1)** Subclause 10 (4) (a) (ii) of the said Act is amended by striking out "four" in the second line and inserting in lieu thereof "three".

(2) Clause 10 (4) (b) of the said Act is amended by striking out "four" in the first line and inserting in lieu thereof "three".

(3) Section 10 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 4 and 1985, chapter 12, section 4, is further amended by adding thereto the following subsection:

Idem

(4a) Notwithstanding subsection (4), where the Provincial Minister is entitled to reassess, make an additional assessment or assess tax, interest or penalties by virtue only of the filing of a waiver under subclause (4) (a) (ii), no assessment, reassessment or additional assessment shall be made after the day that is six months after the date on which a notice of revocation of the waiver in prescribed form under the Federal Act is filed.

(4) Subsection 10 (5) of the said Act is amended by striking out "four" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "three".

(5) Subsection 10 (6) of the said Act is amended by striking out "four" in the second line and inserting in lieu thereof "three".

6. Section 16 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 6 and 1985, chapter 12, section 8, is further amended by adding thereto the following subsection:

Interest  
not assessed

(2a) Where the aggregate of all amounts each of which is an amount of interest payable by a taxpayer under subsection (2) of this Act or under subsection 161 (2) of the Federal Act does not exceed \$25 for a taxation year, the Provincial Minister shall not assess such interest.

7.—(1) Subsection 19 (1) of the said Act is amended by,

- (a) striking out "four" in the second line and inserting in lieu thereof "three";
- (b) striking out "upon" in the first line of clause (a) and inserting in lieu thereof "on or after"; and
- (c) striking out "four" in the third line of clause (b) and inserting in lieu thereof "three".

(2) Subsection 19 (2) of the said Act is amended by,

- (a) inserting after "refund" in the first line "or repayment"; and
- (b) striking out "overpayment" in the fifth line and inserting in lieu thereof "refund or repayment".

(3) Section 19 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 12, section 9, is further amended by adding thereto the following subsection:

(4a) Where the Supreme Court of Ontario or the Supreme Court of Canada has, on the disposition of an appeal in respect of taxes, interest or a penalty under this Act by a taxpayer resident in Canada, Idem

- (a) referred an assessment back to the Provincial Minister for reconsideration and reassessment;
- (b) varied or vacated an assessment; or
- (c) ordered the Provincial Minister to repay tax, interest or penalties,

the Provincial Minister shall with all due dispatch, whether or not an appeal from the decision of the Court has been or may be instituted,

- (d) where the assessment has been referred back to the Provincial Minister, reconsider the assessment and make a reassessment in accordance with the decision of the Court, unless otherwise directed in writing by the taxpayer;
- (e) refund any overpayment resulting from the variation, vacating or reassessment; and
- (f) where clause (c) is applicable, repay any tax, interest or penalties as ordered,

and the Provincial Minister may repay any tax, interest or penalties or surrender any security accepted therefor by the Provincial Minister to any other taxpayer who has filed an objection or instituted an appeal if, having regard to the reasons given on the disposition of the appeal, the Provincial Minister is satisfied that it would be just and equitable to do so, but for greater certainty, the Provincial Minister may, in accordance with the provisions of this Act, the *Courts of Justice Act, 1984* or the *Supreme Court Act (Canada)*, as they relate to appeals from decisions of the Supreme Court of Ontario, appeal from the decision of the Court notwithstanding



ing any variation or vacating of any assessment by the Court or any reassessment made by the Provincial Minister under clause (d), and any such appeal from a decision of the Supreme Court of Ontario shall proceed as if it were an appeal from the assessment that was referred back, varied or vacated.

**8.** Subsection 20 (5) of the said Act is amended by striking out “four” in the third line and inserting in lieu thereof “three”.

**9.** Clause 21 (1) (b) of the said Act is amended by striking out “180” in the first line and inserting in lieu thereof “ninety”.

**10.** Subsection 27 (3) of the said Act is repealed and the following substituted therefor:

Security  
for taxes

(3) The Provincial Minister may, if he or she considers it advisable in a particular case, accept security in any form the Provincial Minister considers appropriate for payment of any amount that is or may become payable under this Act.

Surrender  
of security

(3a) Where at any time a taxpayer requests in writing that the Provincial Minister surrender any security accepted under subsection (3), the Provincial Minister shall surrender the security to the extent that the amount thereof exceeds the amount for which the security was accepted that is payable at that time.

**11.** Subsection 36 (6) of the said Act is amended by striking out “thereon” in the eleventh line and inserting in lieu thereof “on the amount that should have been deducted or withheld”.

Commence-  
ment and  
application

**12.—(1)** This Act, except sections 1 to 11, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1986.

Idem

(3) Sections 2 and 6 shall be deemed to have come into force on the 1st day of January, 1984, and apply with respect to the 1984 and subsequent taxation years.

Idem

(4) Sections 3 and 4, subsections 5 (1), (2), (4) and (5) and section 8 shall be deemed to have come into force on the 1st day of January, 1983, and apply with respect to the 1983 and subsequent taxation years.

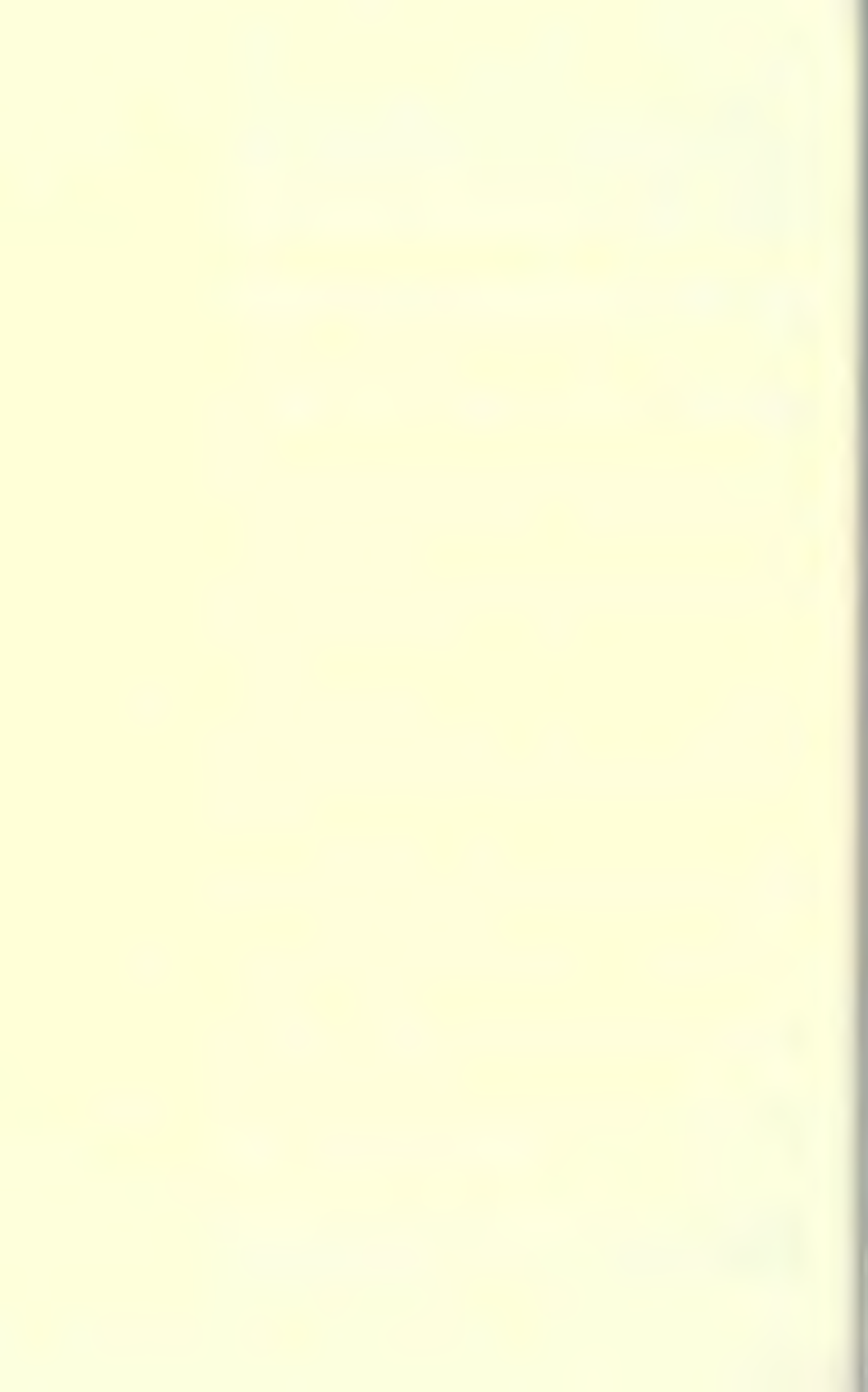
(5) Subsection 5 (3) shall be deemed to have come into force Idem  
on the 16th day of February, 1984, and applies after the 15th  
day of February, 1984, except that in the application of subsec-  
tion 10 (4a) of the said Act to a waiver filed before the 16th day  
of February, 1984, that is revoked by a notice of revocation  
filed before 1986, the reference therein to "six months" shall  
be read as a reference to "one year".

(6) Subsection 7 (1) shall be deemed to have come into force Idem  
on the 1st day of January, 1983, and applies with respect to  
refunds for the 1983 and subsequent taxation years.

(7) Subsections 7 (2) and (3) and sections 10 and 11 shall be Idem  
deemed to have come into force on the 16th day of February,  
1984.

(8) Section 9 comes into force on the day after the day this Idem  
Act receives Royal Assent, and applies to notices of objection  
served after the day this Act receives Royal Assent.

**13.** The short title of this Act is the *Income Tax Amendment* Short title  
*Act, 1986.*



# REPORT

ON THE

PROGRESS OF THE

AMERICAN MEDICAL ASSOCIATION

FOR THE YEAR 1918

PRESENTED AT THE ANNUAL MEETING OF THE ASSOCIATION

Held at the Hotel Hamilton, Chicago, Ill., May 1-5, 1919

REPORT BY THE SECRETARY, DR. J. H. HAYES

AND BY THE PRESIDENT, DR. J. H. HAYES

CHICAGO, ILL., MAY 1, 1919

AMERICAN MEDICAL ASSOCIATION





# Bill 28

(Chapter 40  
*Statutes of Ontario, 1986*)

## **An Act to amend the Income Tax Act**

The Hon. R. Nixon  
*Minister of Revenue*

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<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 27th, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986

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Bill 28

1986

## An Act to amend the Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2b of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 12, section 1, is repealed and the following substituted therefor:

**2b.** Every individual shall, in addition to the amount of tax otherwise payable by such taxpayer under this Act, pay an additional income tax in respect of the 1986 and subsequent taxation years equal to 3 per cent of the amount, if any, by which the tax that would, but for section 120.1 of the Federal Act, be otherwise payable for the taxation year under this Act, before any deduction authorized under subsection 3 (8) or section 7, exceeds \$5,000. <sup>Surcharge</sup>

**2.** Subclause 3 (8) (b) (ii) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, is further amended by striking out "paragraph 110 (1) (f) or" in the amendment of 1984 and inserting in lieu thereof "paragraph 110 (1) (d) or (f) or".

**3.** Subsection 7 (13) of the said Act is amended by striking out "four" in the eighteenth line and inserting in lieu thereof "three".

**4.** Subsection 8 (1) of the said Act is amended by inserting after "Act" in the second line "or would be payable but for the application of section 127.3 of the Federal Act in the calculation of tax payable under the Federal Act,".

**5.—(1)** Subclause 10 (4) (a) (ii) of the said Act is amended by striking out "four" in the second line and inserting in lieu thereof "three".



(2) Clause 10 (4) (b) of the said Act is amended by striking out "four" in the first line and inserting in lieu thereof "three".

(3) Section 10 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 4 and 1985, chapter 12, section 4, is further amended by adding thereto the following subsection:

Idem

(4a) Notwithstanding subsection (4), where the Provincial Minister is entitled to reassess, make an additional assessment or assess tax, interest or penalties by virtue only of the filing of a waiver under subclause (4) (a) (ii), no assessment, reassessment or additional assessment shall be made after the day that is six months after the date on which a notice of revocation of the waiver in prescribed form under the Federal Act is filed.

(4) Subsection 10 (5) of the said Act is amended by striking out "four" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "three".

(5) Subsection 10 (6) of the said Act is amended by striking out "four" in the second line and inserting in lieu thereof "three".

6. Section 16 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 6 and 1985, chapter 12, section 8, is further amended by adding thereto the following subsection:

Interest  
not assessed

(2a) Where the aggregate of all amounts each of which is an amount of interest payable by a taxpayer under subsection (2) of this Act or under subsection 161 (2) of the Federal Act does not exceed \$25 for a taxation year, the Provincial Minister shall not assess such interest.

7.—(1) Subsection 19 (1) of the said Act is amended by,

- (a) striking out "four" in the second line and inserting in lieu thereof "three";
- (b) striking out "upon" in the first line of clause (a) and inserting in lieu thereof "on or after"; and
- (c) striking out "four" in the third line of clause (b) and inserting in lieu thereof "three".

(2) Subsection 19 (2) of the said Act is amended by,

- (a) inserting after "refund" in the first line "or repayment"; and
- (b) striking out "overpayment" in the fifth line and inserting in lieu thereof "refund or repayment".

(3) Section 19 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 12, section 9, is further amended by adding thereto the following subsection:

(4a) Where the Supreme Court of Ontario or the Supreme Court of Canada has, on the disposition of an appeal in respect of taxes, interest or a penalty under this Act by a taxpayer resident in Canada, Idem

- (a) referred an assessment back to the Provincial Minister for reconsideration and reassessment;
- (b) varied or vacated an assessment; or
- (c) ordered the Provincial Minister to repay tax, interest or penalties,

the Provincial Minister shall with all due dispatch, whether or not an appeal from the decision of the Court has been or may be instituted,

- (d) where the assessment has been referred back to the Provincial Minister, reconsider the assessment and make a reassessment in accordance with the decision of the Court, unless otherwise directed in writing by the taxpayer;
- (e) refund any overpayment resulting from the variation, vacating or reassessment; and
- (f) where clause (c) is applicable, repay any tax, interest or penalties as ordered,

and the Provincial Minister may repay any tax, interest or penalties or surrender any security accepted therefor by the Provincial Minister to any other taxpayer who has filed an objection or instituted an appeal if, having regard to the reasons given on the disposition of the appeal, the Provincial Minister is satisfied that it would be just and equitable to do so, but for greater certainty, the Provincial Minister may, in accordance with the provisions of this Act, the *Courts of Justice Act, 1984* or the *Supreme Court Act (Canada)*, as they relate to appeals from decisions of the Supreme Court of Ontario, appeal from the decision of the Court notwithstanding

ing any variation or vacating of any assessment by the Court or any reassessment made by the Provincial Minister under clause (d), and any such appeal from a decision of the Supreme Court of Ontario shall proceed as if it were an appeal from the assessment that was referred back, varied or vacated.

**8.** Subsection 20 (5) of the said Act is amended by striking out "four" in the third line and inserting in lieu thereof "three".

**9.** Clause 21 (1) (b) of the said Act is amended by striking out "180" in the first line and inserting in lieu thereof "ninety".

**10.** Subsection 27 (3) of the said Act is repealed and the following substituted therefor:

Security  
for taxes

(3) The Provincial Minister may, if he or she considers it advisable in a particular case, accept security in any form the Provincial Minister considers appropriate for payment of any amount that is or may become payable under this Act.

Surrender  
of security

(3a) Where at any time a taxpayer requests in writing that the Provincial Minister surrender any security accepted under subsection (3), the Provincial Minister shall surrender the security to the extent that the amount thereof exceeds the amount for which the security was accepted that is payable at that time.

**11.** Subsection 36 (6) of the said Act is amended by striking out "thereon" in the eleventh line and inserting in lieu thereof "on the amount that should have been deducted or withheld".

Commence-  
ment and  
application

**12.—(1)** This Act, except sections 1 to 11, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1986.

Idem

(3) Sections 2 and 6 shall be deemed to have come into force on the 1st day of January, 1984, and apply with respect to the 1984 and subsequent taxation years.

Idem

(4) Sections 3 and 4, subsections 5 (1), (2), (4) and (5) and section 8 shall be deemed to have come into force on the 1st day of January, 1983, and apply with respect to the 1983 and subsequent taxation years.



(5) Subsection 5 (3) shall be deemed to have come into force Idem  
on the 16th day of February, 1984, and applies after the 15th  
day of February, 1984, except that in the application of subsec-  
tion 10 (4a) of the said Act to a waiver filed before the 16th day  
of February, 1984, that is revoked by a notice of revocation  
filed before 1986, the reference therein to "six months" shall  
be read as a reference to "one year".

(6) Subsection 7 (1) shall be deemed to have come into force Idem  
on the 1st day of January, 1983, and applies with respect to  
refunds for the 1983 and subsequent taxation years.

(7) Subsections 7 (2) and (3) and sections 10 and 11 shall be Idem  
deemed to have come into force on the 16th day of February,  
1984.

(8) Section 9 comes into force on the day after the day this Idem  
Act receives Royal Assent, and applies to notices of objection  
served after the day this Act receives Royal Assent.

**13.** The short title of this Act is the *Income Tax Amendment* Short title  
*Act, 1986.*





# Bill 29

## **An Act to revise the Mining Act**

**The Hon. R. Fontaine**

*Minister of Northern Development and Mines*

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*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

The purpose of the Bill is to simplify, modernize and standardize the regulation of mineral exploration and development. Many of the changes are of an administrative nature and some of the detail contained in the current Act will be dealt with in the new regulations.

The major significant changes are as follows:

1. Provision is made for a lifetime prospector's licence with the elimination of annual renewals.
2. Perimeter staking of a block of claims is permitted to reduce cost of staking.
3. Assessment work requirements are expressed in terms of dollars spent rather than days worked.
4. Holders of mining claims doing exploratory work are required to furnish notice to occupants of surface rights of their intention to perform assessment work.
5. The option of continuing assessment work rather than applying for a lease is provided.
6. Mining recorders are given authority to extend time to perform assessment work and to relieve claims from forfeiture.
7. The potential hazard of inactive mines are recognized and measures are introduced to prevent injury.

Bill 29

1986

## An Act to revise the Mining Act

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

**1. In this Act,**

“anniversary date”, when referring to a mining claim, means the date that occurs at annual intervals after the recording of a mining claim or a merger under subsection 90 (4) or such other date as may result by the application of subsection 15 (2);

“Commissioner” means the Mining and Lands Commissioner;

“Crown” means the Crown in right of Ontario;

“Crown land” means land, the surface rights, mining rights or the mining and surface rights of which are unpatented but does not include,

- (a) land in the actual use or occupation of the Crown, the Crown in right of Canada or of a department of the Government of Canada or a ministry of the Government of Ontario,
- (b) land the use of which is withdrawn or set apart or appropriated for a public purpose, or
- (c) land held by a ministry of the Government of Ontario;

“Director” means the Director of the Land Management Branch of the Ministry;

“file” means the deposit and payment of any prescribed fee at the recording office of any document required or permitted to be submitted to a recorder under this Act and “filed” and “filing” have corresponding meanings;

“holder”, when referring to the holder of an unpatented mining claim or to the holder of a quarry permit issued under this Act, means the holder of record;

“land” includes an interest in land;

“lease” means a lease issued under this Act or a predecessor of this Act but does not include a lease referred to in section 96 (lease under previous Act);

“mine”, when used as a noun, includes,



- (a) any opening or excavation in or working of the ground, for the purpose of winning, opening up or proving any mineral or mineral-bearing substance,
- (b) any mineral deposit, stratum or place where mining is or may be carried on,
- (c) all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with a mine,
- (d) any excavation or opening of the ground made for the purpose of searching for or removal of minerals, rock or stratum,
- (e) any roasting or smelting furnace, concentrator, mill, work or place used for or in connection with washing, crushing, sifting, drying, oxidizing, reducing, leaching, roasting, smelting, refining, treating or research on any mineral-bearing substances, and
- (f) a quarry;

“mine”, when used as a verb, and “mining” include any mode or method of working whereby earth, rock, stratum, stone or mineral-bearing substance may be disturbed, removed, washed, sifted, dried, reduced, leached, roasted, smelted, refined, oxidized, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether it has been previously disturbed or not, and the operation of a quarry;

“minerals” means all naturally occurring metallic and non-metallic minerals including natural gas, petroleum, coal, quarry material, sand and gravel, gold, silver, all rare and precious metals, salt and peat;

“mining claim” means a parcel of land, including land under water, that has been staked in accordance with this Act and the regulations;

“mining land” means,

- (a) land of which the mining rights have been staked and recorded as a mining claim or land of which the surface rights or the mining rights or the mining rights and surface rights have been patented or leased or held under a licence of occupation under or by authority of a statute, regulation or order in council for use for mining purposes, and



(b) land used or intended to be used for mining purposes;

“mining rights” means the right to minerals on, in or under any land;

“Minister” means the Minister of Natural Resources;

“Ministry” means the Ministry of Natural Resources;

“patent” means a freehold grant from the Crown;

“peat” means vegetable matter decomposed in water and partly carbonized to such an extent that it may be used as fuel;

“permittee” means the holder of a quarry permit;

“placer deposit” means a concentration of heavy minerals or precious stones by natural mechanical concentration of mineral particles from weathered debris;

“prescribed” means prescribed by the regulations;

“prospecting” means the investigating of and searching for minerals;

“quarry” means land from which quarry material, sand and gravel and peat is being or has been removed by surface or underground excavation;

“quarry material” includes rock, shale, dolostone, limestone, marble, sandstone, granite, quartz, feldspar, overburden, fluorspar, gypsum, clay, marl and any other material prescribed that is the property of the Crown;

“regulations” means the regulations made under this Act;

“Supervisor” means the Supervisor of the Mining Lands Section of the Land Management Branch of the Ministry;

“surface rights” means every right in land other than mining rights;

“transfer”, when referring to land, does not include surrender or forfeit;

“Treasurer” means the Treasurer of Ontario and Minister of Economics;

“unpatented”, when referring to land, means land in respect of which no patent or lease has been issued or in respect of which, the interest given by patent or lease has reverted, other than by transfer, to the Crown;

“valuable mineral” means a deposit of mineral evaluated at the time of discovery to be of such a nature and containing such kind and quantity of mineral in place, other than limestone, marl, clay, sand and gravel, marble, peat or building stone, that the vein, lode or deposit has the potential of being or becoming a profitable producing mine. R.S.O. 1980, c. 268, s. 1, *amended*.

**2.—**(1) The purpose of this Act is to encourage prospecting, staking and exploration for the development of mineral resources of Ontario. Purpose of Act

(2) Clause 2 (a) of the *Planning Act, 1983* does not apply where prospecting, staking and exploring for, and development of, mineral resources are carried out in accordance with this Act and the regulations. *New.* Where 1983, c. 1, cl. 2 (a) does not apply

## PART I

### ADMINISTRATION AND RECORDS

**3.** The Minister is responsible for the administration of this Act and the management and disposition of mineral resources for the benefit of the people of Ontario. R.S.O. 1980, c. 268, s. 4, *amended*. Administration by Minister

**4.** The Minister may divide the Province of Ontario into mining divisions and may alter the number, limits or extent thereof. R.S.O. 1980, c. 268, s. 14, *amended*. Mining divisions

**5.—**(1) The Lieutenant Governor in Council may appoint an employee of the Ministry as a recorder for each mining division. Appointment of recorder

(2) The Minister may appoint an employee of the Ministry as a deputy recorder for each mining division who shall, under the supervision and direction of the recorder, exercise, on behalf of the recorder, all the duties and powers of the recorder except those specifically restricted in the appointment. Deputy recorder

(3) Where a recorder is absent because of illness or for any other reason, the deputy recorder shall act as recorder on a temporary basis. R.S.O. 1980, c. 268, s. 6 (1, 2), *amended*. Deputy as acting recorders

Recording  
office

**6.—**(1) Each mining division shall have a recording office and the recording office is the proper office for filing and recording all documents required or permitted to be filed under this Act.

Documents  
filed in  
Minister's  
office

(2) The office of the Minister is the proper office for depositing all documents required or permitted to be deposited under this Act affecting,

- (a) a licence of occupation or exploratory licence of occupation;
- (b) a right, privilege or interest that may be acquired under this Act arising from a licence of occupation or exploratory licence of occupation; or
- (c) a grant under this Act that is not a grant registrable under the *Land Titles Act* or the *Registry Act* or a right, privilege or interest that may be acquired under this Act in respect of such grant.

R.S.O. 1980,  
cc. 230, 445

Provision  
of records,  
etc.

(3) Every recorder shall provide for inspection any record of a mining claim kept in his recording office and any filed document relating thereto and,

- (a) shall supply a copy of any record of a mining claim and a copy of the whole or part of any document kept in the recording office; and
- (b) shall certify, on request, any copy provided under clause (a).

Maps to  
be kept

(4) Every recorder shall keep in his recording office,

- (a) a map showing the territory included in the mining division; and
- (b) township or area maps.

Idem

(5) Every recorder shall indicate on the maps referred to in clause (4) (b) all mining claims as they are recorded.

Provision  
of maps

(6) On request, the recorder shall provide for inspection any map mentioned in subsection (4). R.S.O. 1980, c. 268, s. 15, *amended*.

Inspector

**7.—**(1) The Minister may designate, in writing, any employee of the Crown as an inspector for the purpose of this Act.



(2) Every employee of the Ministry who is a recorder, mining claim inspector, mineral resources co-ordinator or a geologist is an inspector for the purpose of this Act. Idem

(3) Subject to subsection (4), for the purpose of this Act and the regulations, Powers of inspector

(a) an inspector who is a recorder, mining claim inspector or has been designated under subsection (1),

(i) may enter in or on any land or buildings during normal business hours without warrant,

(ii) may require the production of any licence, permit, record, report or land survey and may inspect and make copies of anything produced, and

(iii) alone or in conjunction with other persons possessing special or expert knowledge, may make such examinations or tests as he considers necessary to ascertain whether this Act and the regulations are being complied with and, for such purpose, may take or remove any material or substance; and

(b) an inspector who is a geologist or a mineral resources co-ordinator may examine any land for geological purposes and remove representative surface samples of rock or mineral sufficient for the purpose of testing or analysis.

(4) No inspector shall enter,

(a) a locked building; or

(b) a room or place being used as a dwelling,

Restricted entry into core storage areas and dwelling

except with the consent of the mining claim holder, lessee, owner or occupier, as is appropriate in the circumstances.  
*New.*

**8.** Every recorder, deputy recorder, Director and Supervisor is *ex officio* a commissioner for taking affidavits in Ontario. R.S.O. 1980, c. 268, s. 13, *amended*. Commissioners for affidavits

**9.**—(1) No employee of the Ministry who is a recorder, deputy recorder, mining claim inspector, geologist or mineral resources co-ordinator or has access greater than that of the public to information provided under this Act may directly or Employees of Ministry prohibited from staking, etc.



indirectly, by himself or by any other person, stake a mining claim or acquire any right or interest in an unpatented mining claim.

Staking, etc.,  
void

(2) Every staking or right or interest acquired by a person in contravention of subsection (1) is void. R.S.O. 1980, c. 268, s. 12, *amended*.

Evidence of  
records or  
documents

**10.** A copy of a record mentioned in subsection 6 (3), every document filed in a recording office and every document deposited under subsection 6 (2) (in the Minister's office), certified to be a true copy by the person who has custody of the record or document, may be received in any court as *prima facie* proof of the record or document and its contents without proof of the signature or official position of the person making the certification. R.S.O. 1980, c. 268, s. 9, *amended*.

Filing  
constitutes  
notice

**11.** The filing of a document under this Act constitutes notice of the document notwithstanding any defect in the requirements for recording but it is the duty of the recorder not to record except upon determining that the requirements of this Act and the regulations have been met. R.S.O. 1980, c. 268, s. 73, *amended*.

Instrument  
deemed to  
be  
recorded  
when filed

**12.—**(1) Except as provided in section 41 (recording a mining claim), if all requirements for recording have been met, every recordable document shall be deemed to have been recorded at the time that it was filed.

Idem

(2) Where a document is not recordable because of a deficiency in the document or any supporting evidence or the proper fee has not been submitted, and the person filing the document remedies the problem within the time specified by the recorder, subsection (1) applies as if the document was recordable when it was filed. *New*.

Priority of  
interest

**13.** Priority of recording prevails unless before the prior recording there has been actual notice of the prior document by the person claiming under the prior recording. *New*.

Recording  
documents

**14.—**(1) Except as otherwise provided in this Act or the regulations, no document affecting a recorded right or interest acquired under this Act shall be recorded unless it is signed and attested to by affidavit.

Where  
corporate  
seal

(2) Where an instrument executed by a corporation has the corporate seal stamped thereon, the affidavit referred to in subsection (1) is not required. R.S.O. 1980, c. 268, s. 71, *amended*.

(3) A notice of a document giving rise to an express, implied or constructive trust, relating to an unpatented mining claim, shall not be recorded. Trusts

(4) Describing a mining claim holder as a trustee, whether the beneficiary or object of the trust is or is not mentioned, does not constitute notice of a trust and does not impose on any person dealing with the holder the duty to enquire as to the power of the holder in respect of the mining claim and the holder may deal with the mining claim as if the description had not been inserted. R.S.O. 1980, c. 268, s. 68, *amended*. Describing holder as trustee, etc., effect of

**15.**—(1) Where, during any twelve-month period, the time for doing something under this Act is extended, the extension does not affect any requirement under this Act to do anything required to be done, during the twelve-month period next following, by the anniversary date ending that next twelve-month period. Anniversary day remains unchanged

(2) Where the time for doing something under this Act is suspended, the next anniversary date after the suspension in respect of the mining claim involved shall be deemed to be the date that falls after the anniversary date that would have occurred, except for this provision, by the number of days that equals the number of days of the suspension and all subsequent anniversary dates shall be adjusted accordingly. *New.* Anniversary changed

**16.**—(1) A copy of a writ of execution certified by the sheriff of a county or district or a bailiff of a small claims court to be a true copy of a writ in his hands may be filed and the recorder, upon being given the number or description of a mining claim of which the execution debtor is the recorded holder or in which he has a recorded interest, shall record the writ on the record of the claim. Writs of execution

(2) A writ of execution, upon being recorded, binds all rights or interests of the execution debtor in the appropriate mining claim and authorizes the sheriff or bailiff to sell and realize upon the rights or interests affected. Effect of recording

(3) A transfer under subsection (2) from a sheriff or bailiff to a purchaser may be recorded in the same manner and with the same effect as a transfer from the execution debtor. Transfer

(4) After the recording of a writ of execution, the sheriff, bailiff or the execution creditor may do anything that the execution debtor could do to keep the mining claim, right or interest in, or restore it to, good standing and is entitled to add the necessary expense thereof to the execution debt. Keeping mining claim in good standing after recording of execution

Discharge of  
execution

(5) A writ of execution may be discharged by recording a certificate from the sheriff or bailiff that the mining claim is no longer bound by the writ, by recording a release from the execution creditor or by filing an order of the Commissioner directing its removal. R.S.O. 1980, c. 268, s. 75, *amended*.

Address  
for service

**17.**—(1) Every application for a prospector's licence shall have endorsed thereon the residence and post office address of the person making it, at which address service may be made.

Substitution

(2) An address provided under subsection (1) may be substituted with another address by the licence holder notifying the recorder, in writing, of the substitution.

Service

(3) Where a person is required or entitled under this Act or the regulations to be served, service is sufficiently made if delivered or sent by prepaid first class mail to the person at the address given under subsection (1) or (2).

Idem

(4) Where service is made by prepaid first class mail under subsection (3), it shall be deemed to have been made on the fifth day after the day of mailing. R.S.O. 1980, c. 268, s. 67, *amended*.

Correction of  
instrument

**18.**—(1) Where a document conveying an interest has been issued,

(a) to or in the name of the wrong person through mistake or contains a clerical error, misnomer or a wrong description of the land intended to be granted; or

(b) for any land or mining rights affected by an annulment under subsection 7 (1) of the *Public Lands Act*,

R.S.O. 1980,  
cc. 413

the Minister, if no indication of an adverse interest is filed or registered in respect of the land and whether or not the land has been registered under the *Land Titles Act* or the *Registry Act*, may cancel the document by issuing a correct one or one with a revised description, as the case may be, in its stead.

R.S.O. 1980,  
cc. 230, 445

Effective  
date

(2) A corrected document issued under this section shall relate back to the date of the cancelled one and has the same effect as if issued on the day of the cancelled document. R.S.O. 1980, c. 268, ss. 106, *part*, 107, *part*.

Time  
expiring  
on a  
Saturday

**19.** Where time limited for doing anything in a recording office or the office of the Commissioner or the Minister



expires on a Saturday, the time so limited extends to and the thing may be done on the day next following that is not a holiday. R.S.O. 1980, c. 268, s. 159, *amended*.

**20.** Where power is conferred by this Act on the Commissioner to extend the time for doing an act, the power may be exercised as well after as before the expiration of the time allowed for doing the act. R.S.O. 1980, c. 268, s. 158, *amended*.

Power to extend time

PART II

PROSPECTING, STAKING AND RECORDING MINING CLAIMS

**21.**—(1) No person may prospect on Crown land, stake or record a mining claim or acquire any right or interest therein unless he is the holder of a prospector's licence issued under this Act. R.S.O. 1980, c. 268, s. 18 (1), *amended*.

Prospector's licence required

(2) Subsection (1) does not apply to a sheriff, bailiff or execution creditor exercising his rights under section 16.

Exception for creditor

(3) Any individual may, on behalf of a holder of a prospector's licence, erect posts or blaze lines or affix duplicate tags or new tags in accordance with subsection 34 (5) and that individual need not hold a prospector's licence.

No licence required to assist in staking, etc.

(4) No person may hold more than one prospector's licence.

One licence only

(5) A prospector's licence is not transferable.

Licence not transferable

(6) No individual under the age of sixteen years may hold a prospector's licence.

Age restriction

(7) No individual under the age of eighteen years may stake a mining claim or acquire a right or interest therein.

Idem

(8) A prospector's licence is valid for the life of the person to whom it is issued.

Lifetime licence

(9) A recorder may issue a prospector's licence or replace thereof to any applicant who applies therefor. R.S.O. 1980, c. 268, s. 19, *amended*.

Application for licence

**22.**—(1) Where the recorder finds, after a hearing, that the holder of a prospector's licence has contravened any of the provisions of this Act or the regulations, he may, by order and upon notifying the licensee, suspend the licence for a period not exceeding five years.

Suspension of licence



Limited  
effect

(2) Notwithstanding the suspension of a licence, the licensee may continue to maintain his mining claims by performing assessment work and may hold or otherwise deal with his mining claims. *New.*

Entering  
on land

**23.** Except as otherwise provided in this Act, any recorded mining claim holder or an agent on his behalf may enter on the claim and explore for minerals and perform the work required by this Act to maintain it. R.S.O. 1980, c. 268, s. 28, *amended.*

Crown land  
eligible for  
prospecting

**24.**—(1) Any Crown land may be prospected except where,

(a) the land has been withdrawn from prospecting;

(b) there is a mining claim in good standing;

(c) the land has been set apart as Indian reserve land;

R.S.O. 1980,  
c. 401

(d) the land has been set apart under the *Provincial Parks Act*; or

1922, c. 24

(e) the mining rights are held by the Crown under *The Canada Company's Lands Act, 1922.*

Exception

(2) Clause (1) (b) does not apply to prevent,

(a) the person who staked the mining claim from prospecting the claim before it is recorded; or

(b) the mining claim holder from prospecting it.

Idem

(3) Clause (1) (d) does not apply to prevent prospecting in accordance with regulations made under the *Provincial Parks Act.* *New.*

Crown land  
eligible for  
staking

**25.** Any Crown land may be staked as a mining claim except where,

(a) the land has been withdrawn from staking;

R.S.O. 1980,  
c. 413

(b) a *bona fide* application under the *Public Lands Act* in respect of the land is pending in the Ministry and the pending disposition may include the mining rights;

(c) the surface rights have been subdivided, surveyed, sold or otherwise disposed of for summer resort purposes;

- (d) the land has been set apart under the *Provincial Parks Act*; R.S.O. 1980, c. 401
- (e) the mining rights are held by the Crown under *The Canada Company's Lands Act, 1922*; 1922, c. 24
- (f) the Minister, the Minister of Energy or the Minister of Transportation and Communications certifies that the land is required for the development of water power or for a highway or some other purpose in the public interest and the Minister is satisfied that the mining rights do not constitute valuable mineral;
- (g) the land has been set apart as Indian reserve land; or
- (h) a proceeding under this Act in respect thereof is pending before a court, the Commissioner or a recorder.

**26.**—(1) No person may prospect or stake a mining claim on that part of land that, Crop bearing land

- (a) is used as a garden, orchard, vineyard or nursery;
- (b) bears crops that may be damaged by prospecting; or
- (c) has situated thereon a spring, artificial reservoir, dam, waterworks, dwelling house, outhouse, manufactory, public building, church or cemetery,

except with the consent of the person entitled to the surface rights or under an order of the recorder.

(2) An order referred to in subsection (1) may be subject to such terms as the recorder considers proper. Order

(3) Where land is prospected or staked under an order made under this section, section 106 (compensation) applies. Compensation

(4) In subsection (1), "person" includes the Crown. Interpretation  
R.S.O. 1980, c. 268, s. 33, *amended*.

**27.**—(1) A mining claim that encompasses, Exception

- (a) land, the surface rights of which have been subdivided, surveyed, sold or otherwise disposed of by the Minister for summer resort purposes; or

- (b) land referred to in subsection 26 (1) in respect of which the consent referred to in the said subsection is not received,

may be staked and recorded subject to a reservation of the surface and mining rights in the encompassed land.

Idem

R.S.O. 1980,  
c. 401

(2) Clause 25 (d) does not apply to prevent staking in accordance with regulations made under the *Provincial Parks Act*.

Idem

1924, c. 15

(3) Clauses 24 (1) (c) and 25 (g) do not apply to prevent prospecting or staking in accordance with *The Indian Lands Act, 1924*. R.S.O. 1980, c. 268, s. 30, *amended*.

Where  
forfeiture  
termination  
or surrender

**28.** Where a licence of occupation in respect of, or a leasehold or freehold interest in, mining land has been surrendered to the Crown, expires or is terminated or forfeited, the land involved is not open for prospecting or staking until a time fixed by the Minister is published in *The Ontario Gazette*. *New*.

Agricultural  
designation

**29.**—(1) The Minister may designate any Crown land that is open for prospecting or staking as suitable for disposition for agricultural purposes.

Mining  
claims on  
agricultural  
lands

(2) A person who stakes or records a mining claim on land designated under subsection (1) does not obtain thereby surface rights or the right to obtain surface rights to any part thereof for any purpose.

Where  
surface  
rights  
necessary  
for mining  
operations

(3) Where surface rights on any land designated under subsection (1) are required to carry on mining operations, the Minister may determine the part of the surface rights so required and may sell or lease to the mining claim holder the surface rights or such part thereof as he considers essential to the efficient carrying on of mining operations.

Conditions  
for sale  
or lease

(4) A sale or lease under subsection (3) may be subject to such conditions precedent or subsequent as the Minister considers proper. R.S.O. 1980, c. 268, s. 41, *amended*.

Areas  
requiring  
protection

**30.**—(1) The Minister may designate any Crown land that is open for prospecting and staking as being areas requiring protection.

Idem

(2) All Crown land that is within ninety-five metres of a lake, river or stream is designated as being an area requiring protection.



(3) No person shall strip, trench or excavate any land designated under subsection (1) or (2) except in accordance with the prior consent of the Minister. Stripping, etc., prohibited

(4) The Minister may reduce or eliminate the distance referred to in subsection (2) within any designated area. Alterations by Minister  
*New.*

**31.**—(1) Where the Minister recommends the establishment or extension of a townsite on any part of an unpatented mining claim, the Lieutenant Governor in Council may reserve the surface rights on the claim or such parts of it as may be necessary for townsite purposes. Townsites on unpatented claims

(2) The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary for the better carrying out of this section. *R.S.O. 1980, c. 268, s. 66.* Regulations

**32.**—(1) The Minister may by order, Withdrawing or reopening land

(a) withdraw from prospecting or staking any land, the mining rights or surface rights of which are in the Crown; and

(b) reopen for prospecting or staking any land, mining rights or surface rights that have been withdrawn under this Act or a predecessor thereof.

(2) An order under subsection (1) is not a regulation within the meaning of the *Regulations Act*. *R.S.O. 1980, c. 268, s. 36, amended.* Order not a regulation  
R.S.O. 1980, c. 446

**33.** A mining claim may be staked in a prescribed size, form and manner on any day. *New.* Size of mining claim

**34.**—(1) Tags and duplicate tags shall be provided by the Ministry. Tags

(2) A tag may be used once only. Idem

(3) An unused set of tags may be transferred. Idem

(4) The licensee, at the time of staking, shall personally affix the respective tag of a set of tags at each corner of a mining claim and affix tags on the line posts. Tagging at the time of staking

(5) If tags are not available at the time of staking, the licensee shall personally mark on each corner post and line post Where tags not available



the prescribed information and within six months after the date of recording affix the tags assigned by the recorder.

For affixing  
tags

(6) The recorder may by order extend the time for affixing tags on application made during the thirty days before the expiration of the six months. *New.*

Application  
to record  
staking

**35.**—(1) An application to record the staking of a mining claim shall not be accepted unless it is filed in the recording office within forty-one days after the day on which staking was completed.

Priority of  
completion

(2) Priority of completion of staking a mining claim shall prevail notwithstanding that a prior application to record all or part of the same lands has been filed or recorded. *New.*

Substantial  
compliance

**36.** Substantial compliance, as nearly as circumstances will reasonably permit, with the requirements of this Act and the regulations as to the staking of a mining claim is sufficient. R.S.O. 1980, c. 268, s. 50.

Recorder  
may  
order  
alterations

**37.**—(1) Where there is a question whether a mining claim has been staked in accordance with the Act and the regulations and the recorder is satisfied that there is substantial compliance with the provisions of this Act and the regulations, he may make an order directing or permitting a holder,

- (a) to move, remove, alter or replace posts and tags;
- (b) to move or alter claim lines;
- (c) to affix tags that have not been affixed at the time of staking; and
- (d) to replace tags, affixed at the time of staking, that have since been removed or destroyed.

Time for  
work  
to be  
completed

(2) Every recorder who makes an order under subsection (1) shall set out in the order the time within which the work must be completed and reported to him. R.S.O. 1980, c. 268, s. 131 (6), *amended.*

Improper  
description  
of area

**38.**—(1) Where, in the opinion of the recorder, there has been an attempt made, in good faith, to comply with this Act and the regulations, the inclusion of more or less than the prescribed area in a mining claim or the failure to describe or set out in a filed application, sketch or plan the actual area or parcel of land, the mining rights of which were staked, does not invalidate the claim.

(2) Where a mining claim exceeds the area prescribed, the area of the claim may be reduced by the recorder. R.S.O. 1980, c. 268, s. 51 (5), *amended*. Claim may be reduced

**39.** A mining claim staked in a restricted travel zone under the *Forest Fires Prevention Act* shall not be recorded unless the applicant satisfies the recorder that he entered the fire district before it was declared to be a restricted travel zone or did so under the authority of a travel permit. R.S.O. 1980, c. 268, s. 49, *amended*. Restricted travel zone  
R.S.O. 1980, c. 173

**40.**—(1) No mining claim shall be recorded in respect of land owned by the Ontario Northland Transportation Commission, except with the consent of the Commission or the Minister. Where consent required to record

(2) No mining claim shall be recorded, except with the consent of the Minister, in respect of, Idem

(a) land reserved or set apart as a townsite by the Crown; or

(b) land laid out into town or village lots on a registered plan by the owner thereof.

(3) An application to record the staking of a mining claim on land mentioned in subsection (1) or (2) may be filed with the recorder pending the consent of the Commission or the Minister. *New*. Idem

**41.** The time of recording a mining claim that has been filed is the time that the application to record is stamped as approved. R.S.O. 1980, c. 268, s. 54, *part, amended*. Time of recording claim

**42.** An individual who has staked a claim may apply to have the staking recorded in the name of another person. *New*. Recording in another name

**43.**—(1) Except as authorized by this Act, any person who stakes a mining claim and fails to file an application to record the staking within the allowed time is not entitled to again stake the land or any part thereof or to record a mining claim thereon unless he satisfies the recorder, by affidavit, that he acted in good faith and not for an improper purpose. Failure to file staking

(2) Failure to file a staked mining claim is not an abandonment. R.S.O. 1980, c. 268, s. 48, *amended*. Failure not an abandonment

**44.** The letters designating the mining division in which the mining claim is situate assigned by the recorder at the time Mining claim number

of recording and the number of the set of tags affixed at each corner post of the claim constitute the number of the mining claim. *New.*

Death of  
staker or  
holder

**45.**—(1) Where a person in whose name a mining claim has been staked dies before the claim is recorded or where a holder dies before the issue of a lease for his mining claim, notice of the death, in the form of an affidavit or death certificate, may be filed.

Time  
suspension

(2) Where the notice referred to in subsection (1) is filed, no person shall stake a mining claim comprising any part of the claim without the consent of the Commissioner and all time requirements in respect of the claim are suspended for one year from the time the notice is filed or until a vesting order is made under subsection (3), whichever is sooner.

Application  
for vesting  
order by  
Commis-  
sioner

(3) Where a notice of death has been filed, the personal representative, devisee or next of kin of the deceased may apply to the Commissioner within one year after the notice is filed for an order vesting in the applicant the interest of the deceased in the mining claim. R.S.O. 1980, c. 268, s. 88, *amended.*

Conflicting  
interests

(4) Where an application is made under subsection (3) and there is something filed that indicates that a person other than the applicant may have an interest in the mining claim or any part thereof, the Commissioner may make such order settling the interests of the persons involved as he considers equitable in the circumstances. *New.*

Re-identi-  
fication of  
boundary  
lines

**46.**—(1) Every holder of a mining claim recorded under this Act shall re-identify the boundary lines of the claim, in the same manner as is required to identify lines for original stakings, at ten-year intervals following the recording of the claim and must give the recorder an affidavit to that effect on or before the end of each ten-year interval.

Exception

(2) This section does not apply to a mining claim in respect of which a lease or patent has been issued. *New.*

Mining claim  
recorded  
in wrong  
division

**47.** If by error a mining claim is recorded in the recording office for a mining division other than that in which the land is situate, the error does not affect the holder's interest in the land and the recorder in the appropriate division shall record the mining claim, assign the appropriate letters designating the correct mining division and indicate on the new record the date of the former record and date of rectification. R.S.O. 1980, c. 268, s. 53, *amended.*



**48.** Where a mining claim is situated in more than one mining division, the claim may be recorded in the recording office of either division and all subsequent documents relating to the claim shall be filed and recorded in that recording office. *New.*

Claim in more than one division

**49.** Any person who has staked any part of a recorded mining claim and has filed an application to record the staking may, only at the time of filing the application, by way of a dispute, raise the issue that a recorded mining claim or group of claims is invalid in whole or in part. *New.*

Invalid claims

**50.—(1)** Where a dispute is filed, the recorder shall record it on the record of the disputed mining claim or group of claims.

Recording of disputes

(2) Where a dispute is filed in respect of a mining claim for which a certificate of record is pending, the recorder shall transfer the dispute to the Commissioner.

Dispute to Commissioner

(3) A dispute shall not be recorded against a mining claim in respect of which a certificate of record has been granted or where the validity of the manner and method of staking the claim has been adjudicated by the recorder or the Commissioner.

Idem

(4) Upon a dispute being recorded, all time requirements under the Act or regulations as to performing and recording work in respect of the mining claim involved are suspended and do not begin to run until the dispute is finally adjudicated and the decision is entered on the record of the claim. R.S.O. 1980, c. 268, s. 56, *amended.*

Time suspended

**51.—(1)** Where a mining claim has been recorded, the claim holder may, at any time after the expiration of forty-one days after the recording, apply for a certificate of record.

Certificate of record

(2) Subject to subsection (3), a recorder, upon an application being made therefor, shall issue a certificate of record in respect of the mining claim if it is not subject to an unresolved dispute and the recorder is satisfied that the requirements of this Act and the regulations with respect to the staking of the claim have been met.

Idem

(3) Where a dispute is transferred to the Commissioner under subsection 50 (2), the Commissioner may, where he considers it to be appropriate, direct the recorder to issue the certificate of record. R.S.O. 1980, c. 268, s. 57 (1), *amended.*

Idem



Certificate  
conclusive  
evidence

**52.**—(1) A certificate of record is final and conclusive evidence of the proper staking of a mining claim.

Cancelling  
certificate  
of record

(2) Notwithstanding subsection (1), where a certificate of record has been issued by administrative error, the Commissioner may cancel it on the application of the Director. R.S.O. 1980, c. 268, s. 58, *amended*.

Free assays

**53.** Every person who records a mining claim may obtain from the recorder free assay coupons in accordance with the regulations. R.S.O. 1980, c. 268, s. 63 (1), *amended*.

Limited  
rights of  
claim holders

**54.**—(1) The act of,

- (a) staking;
- (b) filing of an application for; or
- (c) recording of,

a mining claim does not confer upon the staker or holder the right to take, remove or otherwise dispose of any minerals, quarry material or other material, including buildings, machinery or chattels, found in, on or under the mining claim or any other right to or in respect of the mining claim other than such rights as are specified in this Act.

Licensee

(2) A holder who does not have a certificate of record in respect of the mining claim is a mere licensee of the Crown.

Tenant  
at will

(3) A holder who has a certificate of record but does not have a patent or lease in respect of the mining claim is a tenant at will of the Crown. *New*.

Right of  
access

**55.**—(1) A mining claim holder has the right prior to any subsequent right to use surface rights in respect of the claim to enter on, use and occupy such parts thereof as are necessary for the purpose of prospecting and exploration for minerals leading to the development and operation of a mine.

Release  
of surface  
rights

(2) Where a mining claim holder releases his right to use the surface rights or any part thereof, the recorder shall record the release on the record of the claim.

Where holder  
does not  
consent to  
release  
of surface  
rights

(3) Where an application is made under any Act for the use of surface rights in respect of a mining claim that have not been reserved or excluded and the claim holder does not consent to the proposed use, the Minister may refer the application to the Commissioner to determine the disposition of the surface rights.

(4) Where an application under subsection (3) is referred to the Commissioner, he shall give all interested persons at least ninety days notice of the hearing. Notice

(5) Where an application referred to in subsection (3) is made, the Minister may require the applicant to provide a survey of the land involved. R.S.O. 1980, c. 268, s. 61, *amended*. Survey

**56.** An unpatented mining claim is not liable to assessment or taxation for municipal or school purposes. R.S.O. 1980, c. 268, s. 60, *part, amended*. Municipal tax exemption

**57.** Where the Minister is satisfied that the purpose of holding a mining claim is to mine a placer deposit, he shall give written confirmation that when a lease is issued in respect of the claim it shall contain the right to remove sand and gravel therefrom. *New*. Placer deposit

**58.—(1)** The Minister may give written permission, subject to such conditions as are considered appropriate, to mine, mill and refine minerals from an unpatented mining claim for the purpose of testing mineral content. Permission to test minerals

(2) Permission granted under subsection (1) shall be for a specified time and shall cover a specified quantity of minerals. Conditions

(3) The end product of mining, milling and refining permitted under subsection (1), except as provided in subsection (4), shall not be sold or otherwise disposed of until the mining claim from which the minerals were taken is leased or patented under this Act. Sale of minerals

(4) Subsection (3) does not apply where the Minister gives written permission for the sale or disposition and where the Minister does so the sale or disposition shall be in accordance with such terms as the Minister may impose. Permission to sell

(5) Hand samples for the purposes of analysis may be removed without permission under subsection (1). R.S.O. 1980, c. 268, s. 62, *amended*. Hand samples

**59.—(1)** No person is entitled to enforce a right or interest in a mining claim contracted for or acquired before the staking of the claim where the staking is done by another person unless the right or interest is evidenced by writing, signed by the person doing the staking or the mining claim holder, or is corroborated by the evidence of a second person or by physical evidence that tends to support the claim to the right or interest. Enforcing interest acquired prior to staking

Where  
R.S.O. 1980,  
c. 481 does  
not apply

(2) Where a right or interest is evidenced as required by subsection (1), the *Statute of Frauds* does not apply. R.S.O. 1980, c. 268, s. 69 (1), *amended*.

Inspection  
by recorder

**60.**—(1) The recorder may order an inspection of a mining claim at any time without notice for the purpose of ascertaining whether there is compliance with this Act and the regulations. R.S.O. 1980, c. 268, s. 89, *part, amended*.

Report

(2) Where an inspection is ordered under subsection (1), the inspector shall file a report of the inspection with the recorder who shall enter a record of the report on the record of the mining claim involved.

Hearing by  
recorder

(3) If the recorder is of the opinion that, based on the report filed, there is a question as to compliance with the provisions of this Act or the regulations, he shall hold a hearing to determine the question. *New*.

Improper  
use of land

**61.**—(1) Where the Minister believes that a mining claim is being used for a purpose other than that of the mining industry, the Minister may direct the Commissioner to hold a hearing.

Cancellation  
of claim

(2) Where, after holding a hearing, the Commissioner is satisfied that the mining claim is being used for a purpose other than that of the mining industry, he may make an order cancelling the claim.

Idem

(3) Where an order is made under subsection (2), the Commissioner shall file the order with the recorder and on the order being filed all interest in the mining claim forfeits to the Crown. R.S.O. 1980, c. 268, s. 65, *amended*.

Ministry  
error

**62.**—(1) Where an unpatented mining claim is subject to forfeiture as a result of an administrative error, the claim holder may apply to the recorder for an order confirming the claim.

Idem

(2) Where an application is made under subsection (1) and there is nothing filed to indicate that any part of the mining claim has been staked by another staker and there is no other reason why the order should not issue, the recorder may make an order confirming the claim.

Idem

(3) Where an application is filed under subsection (1) and something is filed indicating that a part of the mining claim has been staked by another staker, the recorder shall refer the matter to the Commissioner who may make such order subject to such conditions as he considers proper. *New*.



## PART III

## ASSESSMENT WORK

**63.**—(1) Every mining claim holder shall, during the five-year period immediately following the recording of his mining claim, perform annual assessment work as prescribed. Assessment work-time period

(2) For the purpose of subsection (1), assessment work credits shall be in terms of dollars spent. Idem

(3) For the purpose of verifying dollars spent, the Minister may require the mining claim holder to provide information additional to that required under the regulations. Additional information

(4) Where assessment work is done without expenditures, the assessment work credits shall be as prescribed. Idem

(5) Every mining claim holder shall, not later than the anniversary date, file, in the recording office, a report of the assessment work done for the purpose of complying with subsection (1). *New.* Time for reporting assessment work

**64.** Prospecting, airborne geophysical work and airborne geochemical work done on Crown land before the staking of the mining claim are eligible for assessment work credit as prescribed. *New.* Prospecting, geophysical and geochemical work

**65.**—(1) No person shall start ground assessment work, other than prospecting, on Crown land for the purpose of assessment work credits before that land is staked as a mining claim or consent to record, where required by section 40, is given. No assessment work prior to staking

(2) No person shall strip, trench or excavate within fifty metres from the edge of the road bed of a highway or road funded or maintained by the Ministry of Transportation and Communications except with the consent of the Minister. No assessment work without consent

(3) No person shall perform ground assessment work in respect of a mining claim that was staked pursuant to consent of the Crown under section 26 or on land, the surface rights of which were withdrawn under section 32, except in accordance with the directions of the Minister. *New.* Idem

**66.**—(1) Where there is no occupant of the surface rights, a mining claim holder may enter on the land comprising his mining claim to perform ground assessment work. Right to do ground assessment work



Surface  
rights holder  
to be notified

(2) Where there is an occupant of the surface rights of the land comprising a mining claim, a mining claim holder who proposes to do ground assessment work shall give fifteen days notice, in writing, to the occupant of his intention to perform the work.

One-year  
work period

(3) A person who has given notice under this section may enter on the land and perform the work at any time during the twelve-month period immediately following the day the notice takes effect.

Further  
periods

(4) A person who has given notice under this section and has not completed the work in the twelve-month period but intends to complete the work shall give a further notice, in which event subsection (3) applies again.

Evidence  
of notice

(5) A recorder shall not record ground assessment work unless the occupant has waived, in writing, the requirement for a notice or the mining claim holder certifies that,

- (a) he has given the required notice;
- (b) there is no occupant; or
- (c) the surface rights are held by the Crown. *New.*

Excess work

**67.** Where during any year a mining claim holder performs assessment work in excess of the prescribed requirements, he may include the excess assessment work in the report and the recorder shall credit the excess work against the requirements of subsequent years. *New.*

Work on  
adjoining  
claims

**68.** Credit for assessment work performed on an unpatented mining claim by the holder of the claim or by a person entitled by a recorded agreement to acquire an interest in the claim may be applied as assessment work credits on adjoining mining claims of which he is the holder or in respect of which he is entitled to acquire an interest. *New.*

Work on  
leased or  
patented  
land

**69.** Credit for assessment work performed on land held under a patent, lease or licence of occupation may be applied, as prescribed, as assessment credits on adjoining unpatented mining claims if,

- (a) the land held under patent, lease or licence of occupation and the adjoining claims are held by the same person; or
- (b) an agreement or notice of agreement in respect of application of credits between the holder of the land

held under patent, lease or licence of occupation and the holder of the adjoining claims is on the record of each of the claims. *New.*

**70.**—(1) Where two or more persons are the holders of a mining claim, each of them shall contribute proportionately to his interest or as they otherwise agree to the cost of the assessment work required to be done thereon.

Proportionate contribution of work by co-holders

(2) Where a person fails to contribute as required under subsection (1), the co-holder may apply to the Commissioner for an order vesting in him the rights of the person who failed to contribute. R.S.O. 1980, c. 268, s. 76, *amended.*

Vesting order

**71.** Where a mining claim holder defaults on a payment for assessment work performed on the claim by a person who does not hold an interest in the mining claim, the Commissioner, on the application of the person who performed the work, may make an order vesting the interest or any part of the interest of the defaulting holder in the mining claim in the person who performed the work. R.S.O. 1980, c. 268, s. 81, *amended.*

Default in payment for work

**72.**—(1) Where a report relating to technical assessment work that is required to be submitted to the recorder,

Report of technical assessment work

(a) is not filed with the recorder within sixty days after the recording of the assessment work, the recording shall be deemed to have been cancelled at the end of the sixtieth day and the recorder shall amend the record accordingly; or

(b) does not, in the opinion of the Minister, meet accepted technical standards, the Minister may allow a lesser amount of credit or may instruct the recorder to cancel the assessment work credits and the effective date of the amended credit or cancellation shall be the day the amendment or cancellation is recorded by the recorder.

(2) The reports of all technical assessment work submitted under this section shall be available to the public. *New.*

Results public

(3) A decision by the Minister under clause (1) (b) concerning the amount of assessment work credits to be allowed is final. R.S.O. 1980, c. 268, s. 77 (21).

Amount of credits

(4) Where a mining claim holder applies, in writing, for an extension before a technical report is due, the recorder may

Extension of time—technical report

allow an extension to the sixty days set out in subsection (1) to a maximum of an additional sixty days. *New.*

Work  
prohibited by  
R.S.O. 1980,  
c. 173

**73.**—(1) Where, in order to begin assessment work under this Act, a work permit that is required under any other Act is refused, the assessment work is prohibited under the *Forest Fires Prevention Act* or the holder defers the start of work at the request of the Crown, the recorder shall, on receiving satisfactory evidence of the refusal or prohibition or request, record the refusal or prohibition or request on the record of the mining claim.

Recording  
rescission

(2) The recorder, on being notified that a refusal, prohibition or request to defer is rescinded, shall record the date of the rescission on the record of the mining claim.

Extension  
of time

(3) Upon a rescission being recorded, the time for the performance of assessment work is suspended by the number of days between the recordings under subsections (1) and (2). R.S.O. 1980, c. 268, s. 79, *amended.*

Extension of  
time—late  
filing  
assessment  
work

**74.**—(1) On application therefor being made to the recorder within thirty days before the expiration of the time for filing a report of assessment work, the recorder may allow an extension of time, not exceeding one year, for performing and filing the report of the assessment work on such conditions as he considers proper.

Limitation

(2) After the sixth anniversary date, an extension of time may be granted only once except if the extension is required because of illness. *New.*

Extension of  
time—illness

**75.**—(1) Where required assessment work has not been performed because of the illness of the mining claim holder, the recorder may, without fee and on application of the holder supported by proof of illness, allow an extension of time, not exceeding one year, for performing and filing a report of the assessment work.

Proof of  
illness

(2) Proof of illness referred to in subsection (1) shall be verified, in writing, by a duly qualified medical practitioner or by such other evidence as is satisfactory to the recorder. *New.*

Certificate  
of  
performance  
of work

**76.**—(1) The recorder, if satisfied that required assessment work has been performed, shall issue, on request therefor, a certificate to that effect.



(2) Before issuing a certificate under subsection (1), the recorder may inspect or cause the inspection of the assessment work. Inspection

(3) Subject to subsection (4), a certificate issued under subsection (1) is final and conclusive evidence of the due performance of the assessment work therein certified. Certificate final evidence of work performed

(4) Where a certificate is issued under subsection (3) as a result of a mistake, the Commissioner may cancel it upon the application of the Director and a decision by the Commissioner to cancel a certificate is final. *New.* Cancellation

## PART IV

### ABANDONMENT, SURRENDER AND FORFEITURE OF MINING CLAIMS

**77.** The application of this Part is limited to unpatented mining claims. *New.* Application to unpatented claims

**78.—(1)** A mining claim holder may abandon the claim at any time by filing notice of abandonment with the recorder. Abandonment of claim

(2) A mining claim holder may abandon any part of the claim by filing notice of abandonment with the recorder during the thirty-day period before an anniversary date if, Abandonment of a portion of claim

- (a) all assessment work required to be done by that anniversary date has been completed and recorded for the portion to be retained;
- (b) there is no dispute filed in respect of the claim; and
- (c) the area to be retained is a single square or rectangular parcel,
  - (i) in unsurveyed townships in multiples of sixteen hectare square units, or
  - (ii) in surveyed townships in aliquot parts of lots or sections of not less than fifteen hectares more or less,

and the boundaries of the land retained are parallel to the original mining claim boundaries or the lot and concession lines.



Recording of  
abandonment

(3) Where a recorder receives a notice of abandonment under subsection (1) or (2), he shall post the notice in the recording office showing the filing date.

Order by  
recorder

(4) Where a notice of abandonment is filed under subsection (2), the recorder shall issue an order directing the moving of posts or tags, the erection of new posts and the identification of new boundary lines and stating the time within which the work is to be completed.

Compliance  
with order

(5) Where an order is issued under subsection (4), the mining claim holder affected shall file an affidavit within the time set in the order as to compliance with the order and a copy of the affidavit, marked with the date of posting, shall be posted by the recorder in the recording office.

Abandoned  
claim open  
for staking

(6) Every mining claim abandoned under subsection (1) is open for staking from 9 o'clock in the forenoon of the sixteenth day after the notice of abandonment is filed.

Idem

(7) Where part of a mining claim is abandoned under subsection (2), that part is open for staking from 9 o'clock in the forenoon of the sixteenth day after the posting of the affidavit required under subsection (5).

Reverting  
land

(8) Where a mining claim encompasses land that is not part of the claim and that land is abandoned under this section or otherwise would revert to the Crown, that land shall be deemed to be part of the encompassing mining claim and the mining claim holder shall be liable for the performance of assessment work and the payment of recording fees as if that land was part of the encompassing mining claim when it was recorded.

Order may  
be varied

(9) Any order made under this section may be rescinded or varied where the person subject to the order applies therefor before the time set out in the order expires. R.S.O. 1980, c. 268, ss. 83, 84, *amended*.

Forfeiture

**79.** Where the staker or holder of a mining claim has not, within the allotted time,

- (a) complied with any requirement of this Act or the regulations as to staking or recording of a mining claim;
- (b) complied with an order of the recorder or Commissioner;
- (c) performed assessment work required by this Act;

- (d) filed any report of work required to be filed under this Act;
- (e) after the fifth anniversary date for the claim, filed the required report of work or an application for a lease or applied for an extension of time to perform work;
- (f) re-identified boundary lines as required under this Act; or
- (g) affixed tags as required by this Act,

on the expiration of the allotted time, all rights in respect of the claim are forfeited and, without a declaration, entry or act by the recorder, the mining claim is open for prospecting or staking from 9 o'clock in the forenoon of the day after the forfeiture. R.S.O. 1980, c. 268, s. 86, *part, amended*.

**80.**—(1) Where, without the written consent of the recorder, a mining claim holder removes a tag, stake or post forming part of the staking of the claim or changes or effaces any writing or marking upon a tag, stake or post, the recorder may, after a hearing, order all rights in respect of the mining claim forfeited, in which event he shall set a time and date when the land is open for prospecting and staking.

Forfeiture  
for fraud,  
etc.

(2) A person who stakes a mining claim on land in respect of which a mining claim is recorded and who alleges that a false report of work has been filed may apply to record the staking if he files a dispute at the same time.

Dispute  
for fraud

(3) Where an application to record a staking and a dispute are filed under subsection (2), the recorder shall hold a hearing and, if he finds that a false report of work has been filed and that the applicant has staked the new mining claim in accordance with this Act and the regulation, shall order that all rights in the claim in respect of which the false report was filed are forfeited and shall record the new mining claim in the name of the applicant. *New*.

Hearing  
where fraud  
alleged

**81.** When rights in respect of a mining claim are abandoned or forfeited, the recorder shall mark the record of the mining claim "cancelled" and shall post in the recording office, in the case of a forfeiture, a notice of the forfeiture. R.S.O. 1980, c. 268, s. 86, *part, amended*.

Cancelled  
claim

**82.**—(1) Any holder whose rights in a mining claim were forfeited under section 79 may apply, within six months after the forfeiture, to the recorder for relief from the forfeiture.

Relief from  
forfeiture

Idem

(2) Where the forfeiture resulted because boundary lines were not re-identified as required, the time restriction referred to in subsection (1) does not apply.

Idem

(3) Where the forfeiture resulted because tags were not affixed as required, the application under subsection (1) can be made only within sixty days after the forfeiture. *New.*

Order by  
recorder—re  
forfeiture

**83.**—(1) Where an application has been made under section 82 and there is nothing filed to indicate that any part of the mining claim has been staked by another staker, the recorder may make an order relieving the claim from the forfeiture and,

- (a) in the case where there was failure to perform assessment work within the required time, allowing an extension for a period of up to one year after the forfeiture, for the purpose of performing the assessment work;
- (b) in the case where there was failure to file a report of assessment work within the time required, authorizing the filing of a report of assessment work;
- (c) in the case where an application for a lease of a mining claim was not made within the time required, allowing the filing of the application;
- (d) in the case where the boundary lines were not re-identified as required, allowing an extension of time to re-identify the boundaries;
- (e) in the case where tags were not affixed as required, authorizing the proper affixing of tags; or
- (f) in the case where there is non-compliance with an order of the recorder, directing a new order to the applicant.

Staking  
before  
order made

(2) Where any part of a mining claim covered by an order made under subsection (1) is staked after the forfeiture but before the issue of the order, the order does not apply in respect of the claim so staked.

Compliance  
with order

(3) Where an order has been made under clauses (1) (d) or (e), the mining claim holder involved shall notify the recorder, by affidavit, of compliance with the order. *New.*



**84.**—(1) Where an application has been made under section 82 within sixty days after the forfeiture and something is filed indicating that a part of the mining claim has been staked by another staker, the recorder shall refer the matter to the Commissioner who may make any order that the recorder is empowered to make under section 83 and any such order may be subject to such conditions as the Commissioner considers proper.

Order by  
Commis-  
sioner  
—re  
forfeiture

(2) Where the recorder has referred a matter to the Commissioner under subsection (1), he shall so note on the record of the relevant mining claim.

Notation  
by recorder

(3) Every order made under this section is subject to the rights of any person who, in accordance with this Act and the regulations and without notice of the application for the order, stakes and files a mining claim in respect of any part of the mining claim affected by the order.

Staker  
without  
notice  
protected

(4) No order made by the Commissioner under this section comes into effect until it is filed. R.S.O. 1980, c. 268, s. 86, *amended*.

Filing of  
orders

## PART V

### LEASES, LICENCES OF OCCUPATION AND EXPLORATORY LICENCES OF OCCUPATION

**85.**—(1) Every mining claim holder who has complied with this Act and the regulations is entitled to a lease of the mining claim in respect of the surface and mining rights or, where the surface rights have been disposed of before the claim was staked, the land has been designated under section 29 (agricultural designation), the surface rights have been withdrawn under section 32 or the claim holder so elects, the mining rights only.

Right to  
lease of  
claim

(2) A recorded holder who has performed and recorded the required amount of assessment work to qualify for a lease may during the twelve-month period following the fifth anniversary of recording the claim,

Option

- (a) apply and pay for a lease by the end of that period;  
or
- (b) continue to perform required assessment work and file a work report by the end of that period or, where an extension has been granted under section 74, by the end of the extended period.



Idem

(3) Any recorded holder who has performed and recorded the required amount of assessment work to qualify for a lease before the fifth anniversary of recording the claim may apply and pay for a lease at any time before the said fifth anniversary.

No lease  
where  
prior interest

(4) Notwithstanding subsection (1), a lease shall not be issued for rights that are subject to an encumbrance, lien or other interest having priority to that of the mining claim holder. *New.*

Rental

**86.**—(1) Rental under a lease shall be as prescribed.

Rental where  
area of  
mining claim  
exceeds  
prescribed  
area

(2) Where the area of a mining claim exceeds by more than 10 per cent the area prescribed for a mining claim and the claim is not reduced in size, the lease rental, per hectare, of the area in excess of the prescribed area is twice the prescribed rental.

Exception

(3) Subsection (2) does not apply where there is a group of adjoining claims held by the same person and their average area does not exceed by more than 10 per cent the area prescribed for a mining claim. R.S.O. 1980, c. 268, s. 94, *part, amended.*

Term of  
lease

**87.** Every lease shall be for a term of twenty-one years. *New.*

Renewals

**88.** Every lease issued under this Act may be renewed at the discretion of the Minister and where an application for renewal is made within ninety days after the expiration of the lease, the renewal may be granted retroactive to the date of expiration. *New.*

Reservations  
in lease

**89.**—(1) Every lease is subject to prescribed reservations, provisions and conditions except where the lease contains a provision that a specified prescribed reservation, provision or condition does not apply to that lease. *New.*

Idem

(2) Every lease is subject to a reservation of salt, peat, sand, gravel, natural gas and petroleum, clay and earth unless the Minister expressly waives any of the reservations. R.S.O. 1980, c. 268, s. 60 (3), *amended.*

Idem

(3) Every lease is subject to such use of surface rights as the Minister may grant where the use is not inconsistent with the interest of the lessee.

Crown  
reservation  
adjacent  
to water

(4) In every lease of a mining claim comprised of land covered with or bordering on water, surface rights in the land, up

to 130 metres from the high water mark, are reserved to the Crown. R.S.O. 1980, c. 268, s. 43 (4), *amended*.

(5) In every lease of a mining claim traversed by a road funded or maintained by the Ministry of Transportation and Communications, the surface rights in the road and the land lying ninety-five metres in width along both sides of the road, measured from the outside limits of the right of way of the road, are reserved to the Crown. R.S.O. 1980, c. 268, s. 43 (5), *amended*. Crown reservation adjacent to roads

(6) The surface rights reserved by subsections (4) and (5) shall be deemed to apply to and to have been reserved in all leases of mining claims unless the reservation is waived by the Minister. R.S.O. 1980, c. 268, s. 43 (6), *amended*. Reservation apply to leased claims

(7) All timber and trees on land subject to a lease remain the property of the Crown and the Crown may enter on the land to carry on forestry, to cut and remove timber or trees and to make necessary roads for those purposes. R.S.O. 1980, c. 268, s. 105 (4), *amended*. Ownership of trees remains in Crown

**90.**—(1) A survey made for the purposes of this Act must be made by an Ontario land surveyor in accordance with the *Surveys Act* and pursuant to the instructions of the recorder. Survey  
R.S.O. 1980, c. 493

(2) Unless the recorder waives the requirement, a survey of the mining claim involved must be filed before an application for a lease of the claim is made. Idem

(3) Where two or more adjoining mining claims are recorded in the same holder and the required assessment work sufficient for lease appears to have been performed and recorded on each claim, the recorder may, subject to subsection (7), allow a perimeter survey of the mining claims to be made in accordance with the *Surveys Act*. Perimeter survey

(4) Upon a perimeter survey made under subsection (3) being filed and approved, the claims included thereto are merged as one claim and the recorder shall so note on the record. Merging claims

(5) Where claims are merged under subsection (4), all work credits relating to those claims shall be combined and shall apply to the new claim. Work credits

(6) Where a perimeter survey discloses that the requirements referred to in subsection (3) have not been met, the holder of the claim shall make up the deficit before the first Deficit in work

anniversary date of the merged claim in addition to performing and recording any other required work for that period.

Inspection  
before  
perimeter  
survey

(7) A recorder may allow a perimeter survey only if he is satisfied, on the basis of an inspector's report, that the requirements of this Act and regulations concerning the staking of mining claims have been complied with. *New.*

Surveys in  
subdivided  
townships

(8) Every survey or legal description of a mining claim within a surveyed township shall indicate and describe the parts of the lots or sections, according to the original survey of the township, together with the areas thereof. R.S.O. 1980, c. 268, s. 45 (3).

Where no  
survey  
permitted

(9) No person shall survey a mining claim while there is a dispute in respect of any part of the claim unless he does so with the consent of the recorder. *New.*

Where area  
not as  
prescribed

**91.**—(1) If a survey under this Act establishes that the area of a mining claim exceeds the prescribed permitted area, the recorder, on the request of the holder, may reduce the claim to the prescribed permitted area in any way he sees fit.

Land  
accidentally  
omitted

(2) Where adjoining mining claims in unsurveyed townships or areas are recorded in the name of the same holder, and the sketches filed with the application to record show a plain intention to include, as part of the claims, all land, including land under water, within the perimeter of the claims, all the land, including land under water, within the perimeter of the claims, shall be included in the claim notwithstanding a survey disclosing that any portion was omitted.

Fractions

**92.**—(1) Where surveys of adjoining mining claims recorded in the names of different holders in unsurveyed townships or areas disclose a fraction or gore, the recorder may award, in his sole discretion, all or part of the fraction or gore to any or all of the holders of the adjoining mining claims.

Idem

(2) Where a fraction or gore is not awarded under subsection (1), it is not open for staking until such time and date as is set by the recorder. R.S.O. 1980, c. 268, s. 110 (2), *part, amended.*

Where area  
exceeds area  
prescribed

**93.**—(1) Where a survey establishes that the area of a mining claim exceeds the prescribed permitted area by more than 10 per cent and assessment work has not been done as required for an area of that size, a lease shall not be issued until the mining claim holder,



- (a) performs such additional assessment work as is prescribed; or
- (b) pays a prescribed amount instead of performing additional work. R.S.O. 1980, c. 268, s. 108, *part, amended.*

(2) Where the holder elects, under clause (1) (a), to perform additional work, the recorder shall by order set the date by which the work is to be performed and the report thereof filed. *New.* Idem

**94.** Where at the time of applying for a lease, a mining claim holder can establish, to the satisfaction of the Minister, that the mining rights lying under any summer resort parcel situated within the limits of the claim contain valuable mineral, the mining rights may be included in the lease. *New.* Summer resort parcel

**95.** Except where an order has been made under Part VI suspending work and subject to the payment of compensation, where compensation is payable, to an owner, lessee or occupant of the surface rights, every lessee of mining rights has such right of access to the land described in his lease as is necessary for prospecting and exploration for minerals, development of mines and mining of minerals except minerals expressly excepted in the lease or under this Act. *New.* Access granted by lease

**96.—**(1) Notwithstanding any provision to the contrary, the rental payable for a lease of surface and mining rights or of mining rights issued under section 47, 52 or 100 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, is as prescribed for leases under this Act. Lease under previous Act

(2) Every lease referred to in subsection (1) continues to be renewable in perpetuity for periods of ten years and every renewal shall date from the day following the expiry of the lease if application therefor is made within ninety days after the expiration of the lease or within such further period as the Minister, in the circumstances of the case, considers proper. Renewal of lease

(3) Where payment of the rental under a lease referred to in subsection (1) is in arrears for two years or more, the lease may be terminated by an instrument in writing. Termination of lease for arrears of rent

(4) When a lease is terminated under subsection (3), the land involved is not open for prospecting or staking until a time fixed by the Minister is published in *The Ontario Gazette*. Limitation on prospecting



Converting  
lease

(5) Any lease referred to in subsection (1) may be converted to a lease issued under this Act upon the application of the lessee.

Natural gas  
and  
petroleum—  
rent and  
royalties

(6) The rent and royalties payable under a lease to produce natural gas and petroleum from Crown land issued for the first time or renewed on or after the 1st day of January, 1981 but before this Act comes into force shall be the rent and royalties prescribed and not as set out in the lease.

Regulations

(7) The Lieutenant Governor in Council may make regulations prescribing rent and royalties payable under leases referred to in subsection (6) and regulations made under this subsection may have retroactive effect. *New.*

Lease of  
surface  
rights for  
tailings, etc.

**97.—**(1) Where the lessee or owner of mining rights or the holder of a licence of occupation requires the use of surface rights for,

- (a) the disposal of tailings or waste material;
- (b) the sinking of a shaft or erection of a building for mining purposes; or
- (c) any other purpose essential to mining or mineral exploration,

the Minister may lease to him any available surface rights.

Application

(2) Application for a lease under this section must be made, in writing, to the Minister with the applicant furnishing,

- (a) a statement of the particular purposes for which the surface rights are to be used;
- (b) an adequate description and plan or sketch of the area applied for;
- (c) the first year's rental;
- (d) proof of ownership or, in the case of a licence of occupation, proof that the applicant is the holder of the licence of occupation, of the mining rights that are the basis of the application; and
- (e) such other particulars as the Minister may require.

Survey

(3) The Minister may require an applicant to furnish a survey by an Ontario land surveyor.

(4) A lease issued under this section shall be for a term of twenty-one years except where the mining rights that are the basis of the application are held under a lease, the term of the lease under this section shall be coterminous with that lease.

Term of  
lease

(5) Where the mining rights that are the basis for a lease issued under this section revert to the Crown, the lease thereupon terminates.

Termination  
of lease

(6) A lease issued under subsection (1) terminates on the lessee of the surface rights ceasing to be the same person as the lessee or owner of the mining rights or holder of the licence of occupation, as the case may be. R.S.O. 1980, c. 268, s. 97, *amended*.

Idem

**98.** The land, surface rights or mining rights held under a lease shall be used solely for the purpose of the mining industry and, on default thereof and on the recommendation of the Commissioner, the Lieutenant Governor in Council may declare the lease terminated. R.S.O. 1980, c. 268, s. 98.

Lease void  
where land  
used other  
than for  
mining  
purposes

**99.—**(1) Where a holder of a lease produces evidence, satisfactory to the Minister, that he is producing mineral in substantial quantities from land subject to the lease and production has been continuous for more than one year, he is entitled, on application therefor and surrender of his lease, to a patent of the mining rights held under the lease.

Right to  
convert to  
patent

(2) In conjunction with a patent under subsection (1), the Minister may grant a patent of such surface rights as he considers appropriate in the circumstances.

Additional  
patent

(3) Unless the requirement is waived by the Minister, every applicant under this section shall provide a survey of the land in respect of which rights are to be patented.

Survey

(4) Subsection (1) does not apply to rights in land under navigable water.

No freehold  
of land under  
navigable  
water

(5) A lessee who, by virtue of subsection (4), is precluded from obtaining a patent under this section in respect of rights in land under navigable water and whose lease is not in default, on written application therefor and surrender of the lease, is entitled to a new lease renewable in perpetuity containing a provision that where application for renewal is made within ninety days after expiration of the lease, the renewal shall be granted retroactive to the date of expiration. R.S.O. 1980, c. 268, s. 96, *amended*.

Lease of  
land under  
navigable  
waters

Exploratory  
licence of  
occupation

**100.**—(1) The Minister, with the approval of the Lieutenant Governor in Council, may issue exploratory licences of occupation giving the right to search and explore for specific minerals on a specific parcel of land subject to such conditions and limitations as the Minister considers proper.

Special  
leases

(2) Where a licensee holding an exploratory licence of occupation finds deposits of minerals that, in the opinion of the Minister, are of potential economic importance, the Minister may issue a lease of land sufficient to encompass the deposits or 10 per cent of the land held under the licence, whichever is greater.

Idem

(3) A lessee of a lease issued under subsection (2) who satisfies the Minister, prior to the expiration of the lease,

- (a) that he is producing minerals in substantial quantities from the leased land; or
- (b) that the deposit has further potential economic importance,

is entitled to a renewal of the lease for a term of twenty-one years.

Reservation

(4) Every exploratory licence of occupation is subject to such use of surface rights as the Minister may grant where the use is not inconsistent with the interest of the licensee. *New.*

Licence of  
occupation

**101.**—(1) The Minister may, subject to such conditions as the Minister considers proper, issue a licence of occupation permitting a specific use of surface or mining rights, or both, of Crown land.

Consent to  
transfer

(2) A licence issued under this section may be transferred only with the consent of the Minister.

Reservation

(3) Every licence of occupation is subject to such use of surface rights as the Minister may grant where the use is not inconsistent with the interest of the licensee. *New.*

Licences of  
occupation  
issued under  
previous Acts

**102.**—(1) The application of this section is limited to licences of occupation issued under section 52 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, and licences of occupation issued without provision for an annual payment.

Rates for  
licence of  
occupation

(2) Notwithstanding the provisions in a licence of occupation, the annual rental payable in advance shall be as prescribed.



- (3) Where a licence of occupation does not specify a date for the payment of the annual rental, the annual rental shall be paid on the anniversary dates of the effective date of the licence. When annual rental to be paid
- (4) Where payment of the rental under a licence of occupation is in arrears for two years, the licence may be terminated by the Minister. Termination of licence of occupation
- (5) Where, subsequent to a termination under subsection (4), the Minister does not have notice of an interest that may be adversely affected thereby, he may, on such terms as he considers proper, reinstate a terminated licence. Reinstatement
- (6) A licence may be transferred only with the consent of the Minister. Consent to transfer of licence
- (7) The Minister may issue a lease of such surface or mining rights as he considers appropriate to a licensee holding a licence of occupation who applies therefor in writing and surrenders his licence of occupation. R.S.O. 1980, c. 268, s. 44, *amended*. Conversion to lease
- 103.**—(1) Where a lease or a licence of occupation is held by co-lessees or co-licensees and one has not paid his proportionate share of the rent for the four years immediately preceding the application, the Commissioner, on the application of a co-lessee or co-licensee who has paid the rent during that period, may make an order requiring the delinquent co-lessee or co-licensee to pay, within three months after the date of the order or such longer time as the Commissioner may fix, his proportion of the rent to the person who has paid the rent together with interest at the prescribed rate compounded yearly or, in default of payment, vesting the interest of the delinquent co-lessee or co-licensee in the applicant. Claim for rent payment by co-lessee or co-licensee
- (2) For the purpose of this section, a corporation with share capital and shareholders thereof are considered to be co-lessees or co-licensees, as the case may be. R.S.O. 1980, c. 268, s. 196, *part, amended*. Interpretation
- 104.** The Minister, in special circumstances and with the approval of the Lieutenant Governor in Council, may issue leases or patents relating to mining purposes, subject to such conditions as the Minister considers proper, to applicants who do not otherwise qualify for a lease or patent under this Act. Special leases and patents
- 105.** Where a lease is terminated before its term expires, the lessee may apply to the Minister to have the lease reinstated and, if there is nothing registered in the office of the Reinstatement of lease



land registrar indicating an interest that would be adversely affected thereby, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order reinstate the lease for the remainder of the term and upon the order being registered in the proper land registry office, the lease is reinstated subject to all interests, liens and charges to which it had been subject immediately prior to the termination. *New.*

## PART VI

### SURFACE RIGHTS AND COMPENSATION FOR DAMAGE

Compensation for surface rights damage

**106.**—(1) Every person who prospects, stakes a mining claim, performs assessment work or carries on mining operations on land,

- (a) in respect of which surface rights have been patented or leased with reservation of mines, minerals or mining rights to the Crown; or
- (b) that is legally occupied or used by a person who has made improvements thereon,

shall compensate the owner, lessee, occupant or user, as the case may be, for damages sustained by that person as a consequence of the prospecting, staking, assessment work or mining operations.

Exception

(2) Subsection (1) does not apply in respect of land for which a patent or lease of the mining rights has been issued before the disposition of the surface rights. *New.*

Claim holder—compensation for damage

**107.**—(1) Every person who damages mineral exploration workings or claim posts, line posts, tags or surveyed boundary markers establishing a mining claim shall compensate the claim holder for damages sustained.

Limited liability of occupier

(2) Every person who uses land pursuant to a grant made under subsection 89 (3) (where existing lease), subsection 100 (4) (where existing exploratory licence of occupation) or subsection 101 (3) (where existing licence of occupation) shall be deemed to have willingly assumed all risks and is subject to the duty of care set out in subsection 4 (1) of the *Occupiers' Liability Act*.

R.S.O. 1980, c. 322

Crown bound

(3) This section applies to the Crown. *New.*

**108.**—(1) A person claiming compensation under section 106 or 107 may apply to the Commissioner for an order awarding compensation. Compensation

(2) Any lessee or licensee who objects, at any time, to a grant made under subsection 89 (3), 100 (4) or 101 (3) may apply to the Commissioner for an order revoking or amending the grant. Limiting use of surface rights

(3) Pursuant to an application under subsection (1), the Commissioner may order compensation to be paid in the amount and manner that he considers proper. Order by Commissioner

(4) Pursuant to an application under subsection (2), the Commissioner may revoke or amend the grant. Idem

(5) In an order under this section, the Commissioner may order security to be given for payment of compensation and may order the suspension of such prospecting, assessment work or mining operations or other use on or of the land as is specified in the order. Prohibiting work pending settlement

(6) An order under subsection (3) or (4) may be made, without notice, where the Commissioner is satisfied that irreparable damage would be caused through delay. R.S.O. 1980, c. 268, s. 92, *amended*. Order

**109.**—(1) The Commissioner, on an application being made therefor, may make an order giving any person having an interest in or entitled to work mining rights, where it is required for exploration or in connection with the proper working of a mine or a mill for treating ore, Right over other land conferred by Commissioner

- (a) the right to open, construct, put in, maintain and use ditches, tunnels, adits, pipes, conduits, flumes and other works through, over or on any land for the drainage, conveyance or passage of water;
- (b) the right to discharge water on any land or by, through or into any existing means of drainage, whether natural or artificial;
- (c) the right to drain off, lower or divert the water of any lake, pond, river, stream, watercourse or any other water notwithstanding that the water or part thereof may be on the land of or owned by any other person or that any other person may have rights or interests in or to such water or the use thereof;

- (d) the right to collect and dam water notwithstanding that it may overflow other land;
- (e) the right to make or divert and use for or in connection with the working of his own mine and bring thereto for such use any specified water and to construct and maintain dams and other works and do all other things necessary or convenient therefor;
- (f) rights-of-way or passage through or over any land or water and the right to construct, improve, maintain and use suitable roads, tramways, aerial tramways, channels, waterways, passages and other means of transit and transportation upon, through or over any land or water together with such other rights of entry upon and use of land and water as may be necessary or convenient therefor;
- (g) the right to transmit electricity or any other kind of power or have it transmitted, through or over any land or water in any form or manner and to do everything necessary or convenient therefor;
- (h) the right to enter on and use for or in connection with the working of his own mine, sand and gravel pit or peat deposit, a specified area of other land; or
- (i) the right to deposit tailings, slimes or other waste products upon any land or to discharge them into any water, if the effects of such deposit or discharge is not injurious to health.

Conditions  
for order

- (2) An order under subsection (1) shall not be made unless,
  - (a) all damage caused thereby can be adequately compensated for;
  - (b) in the circumstances it seems reasonable to grant the right; and
  - (c) where prior damage has been suffered, compensation has been determined by the Commissioner and paid.

Protecting  
land owners

- (3) In making an order under subsection (1), the Commissioner,
  - (a) shall fix appropriate compensation or provide for the ascertainment thereof;



- (b) shall set out such provisions as he considers adequate for securing and protecting the rights and interests of persons whose land is affected;
- (c) may require the applicant to make grants or concessions to persons whose land is affected or construct works or do any other act; and
- (d) may make the order subject to such other conditions as he considers proper.

(4) Every applicant for an order under this section must file, in duplicate, with the Commissioner, Material to be filed on application

- (a) a clear and precise statement of the rights applied for, the land affected and the owner thereof so far as can be ascertained;
- (b) a map or plan of the locality showing the land and water involved; and
- (c) definite and detailed plans and specifications of the works or things proposed to be constructed or done.

(5) The Commissioner may authorize an applicant and his assistants to enter on the land of any other person to make such examinations and measurements as may be necessary for the purpose of subsection (4). Authority to enter land

(6) Any statement, map or plan may be amended, altered or modified at any stage of the proceeding pursuant to an order of the Commissioner. Amending plans, etc.

(7) When making an order under subsection (5), the Commissioner may give directions as to the notice to be given to the persons interested, the time and manner of service and the particulars to be furnished to such persons. Notice

(8) Subject to subsection (14), every person acquiring title to land affected by an order made under this section is bound by the order and is entitled to all benefits given and is liable for all obligations imposed by the order to the same extent as if he were the owner of the land at the time the order was made. Order binding on subsequent owner

(9) Subsection (8) applies in respect of land patented by the Crown or sold by a municipality for unpaid taxes. Idem



Description  
and plan of  
lands in  
order

(10) Every order made under this section shall contain a proper registrable description of all land affected together with a plan of that land.

Copy to be  
filed or  
registered

(11) Every applicant obtaining an order under this section shall, where the land involved is unpatented, file a certified copy thereof in the recording office or where a patent or lease of the land involved has been issued, register a certified copy thereof in the proper land registry office.

Commis-  
sioner  
may change  
order

(12) The Commissioner, on such terms as he considers just, may by subsequent order, at any time, vary or rescind any order made under this section.

Rights not  
to be  
exercised  
until after  
expiration  
of time  
for appeal

(13) Rights granted under an order made under this section shall not be exercised until the time for appealing from the order granting the rights has expired or, where an appeal is entered, until the appeal is disposed of.

Subsequent  
purchaser

(14) An order made under this section is not valid against a purchaser for value without notice of it.

Notice of  
hearing

(15) Notice of hearing of all applications under this section shall be given to the Minister, the Minister of Labour and the Minister of the Environment in the same manner as notice to any other interested person. R.S.O. 1980, c. 268, s. 189, *amended*.

## PART VII

### QUARRY PERMITS

Quarry  
permit  
required

**110.**—(1) No person shall take quarry material, sand, gravel or peat that is the property of the Crown unless he does so pursuant to and in accordance with a quarry permit.

Idem

(2) No person shall take quarry material, sand, gravel or peat that are not the property of the Crown from a bed, bank, beach, shore or water of any lake, river, stream or creek or from any bar or flat in any lake, river or stream or adjoining any channel or entrance to a lake, river, stream or creek unless he does so pursuant to and in accordance with a quarry permit. R.S.O. 1980, c. 268, s. 118 (1), *amended*.

Permit  
issued by  
Minister

**111.**—(1) The Minister may issue a quarry permit to any person who applies therefor and provides the information and material required by the Minister.

(2) The Minister may, where he is of the opinion that to issue a quarry permit is contrary to the public interest, refuse to issue a quarry permit.

Refusal to  
issue permit

(3) Every person who is precluded from taking quarry material, sand, gravel or peat by subsection 110 (2) is entitled to be issued a permit by the Minister unless the Minister is of the opinion that,

Entitlement  
to permit

(a) taking the quarry material, sand, gravel or peat will likely,

(i) significantly impair or interfere with the natural state or use of waters or the value or use of property,

(ii) cause significant erosion of or accretion to land, or

(iii) create a threat to roads, rights-of-way, structures or installations or to health or safety;

(b) the equipment that is proposed to be used to take the quarry material, sand, gravel or peat is not suitable for the purpose.

(4) Subject to subsection (5), a quarry permit may be issued for a term not exceeding five years.

Term

(5) Where the Minister is satisfied that an applicant for a quarry permit requires the use of material in conjunction with the operation of a producing mine and that use will extend beyond five years, the Minister may issue the permit for a term exceeding five years.

Idem

(6) No quarry permit shall be issued for sand and gravel where the sand and gravel has been included in a mining claim as a placer deposit.

Where no  
permit to  
be issued

(7) Every quarry permit and the operations authorized by it are subject to such conditions, including rehabilitation, as are prescribed.

Subject to  
conditions

(8) The Minister may, at any time, in writing, exclude the application of any prescribed condition in respect of any quarry permit for such time as he may specify.

Exception  
by Minister

(9) In addition to the prescribed conditions, the Minister may include in a quarry permit such conditions as the Minister considers advisable.

Other  
provisions

## Renewal

## (10) A quarry permit,

- (a) other than one issued under subsection (5), may be renewed for a term of not more than five years; or
- (b) issued under subsection (5) may be renewed for such term as the Minister considers appropriate.

Area  
reduction

(11) Where a quarry permit is renewed, the renewed permit may cover a smaller area than the previous permit covered.

## Transfer

(12) A quarry permit may be transferred only with the written consent of the Minister. R.S.O. 1980, c. 268, s. 118 (2-7), *amended*.

Classes of  
permits

**112.**—(1) A Class A Permit authorizes the taking of quarry material, sand, gravel or peat to be used for resale or commercial purposes or in conjunction with a commercial undertaking.

## Idem

(2) A Class B Permit authorizes a municipality to take quarry material, sand, gravel or peat for use by the municipality but not for resale or commercial purposes.

## Idem

(3) A Class C Permit authorizes an individual or a group of individuals to take quarry material, sand, gravel or peat for a use that is not for resale or a commercial purpose. *New*.

Cancellation,  
etc.,  
of permit

**113.** The Minister may suspend or cancel or may refuse to renew a quarry permit where,

- (a) the permittee has contravened any provision of this Part or any of the conditions to which the permit is subject;
- (b) in the opinion of the Minister, a substantial amount of quarry material, sand, gravel or peat has not been removed under the permit during a continuous period of more than one year; or
- (c) he considers the continuation of operations under the permit to be contrary to the public interest. *New*.

Immediate  
suspension of  
operations

**114.** The Minister may direct, in writing, a permittee to immediately suspend operations under a quarry permit where, in the opinion of the Minister, the continuation of operations



under the permit is not in accordance with the permit and will likely cause damage or injury. R.S.O. 1980, c. 268, s. 119, *part, amended*.

**115.—**(1) Where the Minister,

Notice of  
decision

- (a) refuses to renew a quarry permit or to issue a quarry permit under subsection 111 (3);
- (b) cancels a quarry permit;
- (c) suspends a quarry permit or operations thereunder;  
or
- (d) reduces the area covered by the permit,

the Minister shall notify the applicant or permittee, in writing, of his decision and the reasons therefor.

(2) A notice under subsection (1) shall state that the applicant, permittee or former permittee is entitled to appeal to the Commissioner if that person delivers a notice of appeal to the Commissioner within fifteen days after the notice is served upon him. *New.*

Appeal

**116.—**(1) Where a permittee or former permittee appeals a refusal to renew or a cancellation, suspension or reduction, he may continue to operate under the permit until the appeal is finally disposed of.

Right to  
continue  
operations

(2) This section does not apply where operations are suspended under section 114. R.S.O. 1980, c. 268, s. 119, *part, amended*.

Exception

**117.—**(1) Every holder of a Class A or C Permit taking quarry material, sand, gravel or peat from Crown land shall pay the Treasurer of Ontario for the quarry material, sand, gravel or peat removed such royalty as the Minister may determine.

Royalty  
payment

(2) In determining the royalty to be paid under subsection (1), the Minister shall have regard to the location, type and accessibility of the deposit, the amount of quarry material, sand, gravel and peat to be removed and the intended use of the product.

Factors  
determining  
payment

(3) The Minister may vary the royalty payable when a quarry permit is renewed.

Royalty on  
renewal



Waiving  
payment

(4) Where quarry material, sand or gravel is used in the public interest, the Minister may, at any time, waive the royalty payment. R.S.O. 1980, c. 268, s. 120, *part, amended*.

Security as  
guarantee

**118.**—(1) The Minister may require a permittee to give security in the prescribed manner for the payment of the royalty and to guarantee rehabilitation of the quarry.

Rehabili-  
tation

(2) Where the permittee does not rehabilitate the quarry as required, the Minister may order the rehabilitation with the cost thereof to be paid out of the security.

Debt to  
Crown

(3) If the amount of the security is not sufficient to cover a default in royalty payment or the cost of rehabilitation, the amount of the shortfall is a debt owing to the Crown by the permittee and is recoverable by the Crown in a court of competent jurisdiction. R.S.O. 1980, c. 268, s. 120, *part, amended*.

Records

**119.**—(1) Every permittee shall keep detailed records of his operations including copies of all documents relating to sales and shipments and shall make available for inspection by any person authorized for the purpose all the accounts, records and documents related to his operation of the quarry in respect of which the permit has been issued. R.S.O. 1980, c. 268, s. 121, *amended*.

Power to  
inspect

(2) For the purpose of subsection (1), the Minister may authorize an inspector,

- (a) to enter on any land in respect of which a quarry permit was issued or, during normal business hours, the business office of the permittee; or
- (b) to board any vessel that appears to be used in relation to a quarry operation,

and the inspector is entitled to and shall be provided with access to all production and sales records and documents kept in relation to the operation of the quarry. R.S.O. 1980, c. 268, s. 122, *amended*.

Returns

**120.** Where quarry material, sand, gravel or peat is removed from Crown land,

- (a) under a Class A or C Permit, the permittee involved shall, unless otherwise directed by the Minister, make a return on or before the tenth day of each month showing the quantity of material

removed during the preceding month accompanied by the required royalty payment; or

- (b) under a Class B Permit, the permittee shall make an annual return at the prescribed time showing the quantity of material removed during the preceding calendar year. R.S.O. 1980, c. 268, s. 123, *amended*.

**121.**—(1) The existence of a quarry permit does not preclude a holder of a prospector's licence from staking a mining claim on the land covered by the permit but a mining claim staked on the land is subject to the rights of the permittee.

Right to  
stake claim

(2) Every quarry permit issued is subject to the rights of a mining claim holder whose claim has been recorded before the permit is issued.

Prior mining  
claim

(3) Any dispute arising in respect of the application of subsection (1) or (2) may be referred to the Commissioner by any person having an interest therein and the Commissioner's decision in respect of the matter shall be final. R.S.O. 1980, c. 268, s. 124, *amended*.

Reference to  
Commis-  
sioner

## PART VIII

### HEARINGS AND APPEALS

**122.**—(1) The recorder shall, in the first instance, hear and determine,

Recorder to  
decide matter  
in first  
instance

- (a) every question concerning compliance with this Act and the regulations in respect of a mining claim; and

- (b) every dispute in respect of a mining claim,

arising before an application for a lease of the claim is filed unless the recorder, with the consent of the Commissioner, transfers the question or dispute to the Commissioner for his decision. R.S.O. 1980, c. 268, s. 131 (2), *amended*.

(2) The recorder may give directions for the conduct and carrying on of a proceeding before him and, in so doing, he shall adopt the cheapest and simplest methods of determining the questions arising that afford all parties an adequate opportunity of knowing the issues in the proceeding, presenting material and making representations on their behalf.

Directions as  
to conduct of  
proceedings

Notation of  
recorder's  
determination

(3) The recorder shall enter in the records of the recording office a notation of every determination made by him. R.S.O. 1980, c. 268, s. 131, *amended*.

Appeal to  
Commissioner

**123.**—(1) Any person affected by a determination or act by a recorder, done or neglected or refused to be done under this Act, may appeal to the Commissioner.

Idem

(2) Where it appears to be in the public interest, the Director or Supervisor on his behalf may appeal to the Commissioner any determination of a recorder without payment of a fee.

Appeal  
instituted

(3) Any person entitled to appeal to the Commissioner may do so by,

(a) filing a notice in the office of the appropriate recorder; and

(b) serving a copy of the notice on all parties,

within fifteen days after the entry of the decision on the record or the doing or refusing to do the act that is the subject-matter of the appeal.

Idem

(4) The fifteen day limit referred to in subsection (3) does not apply where the appeal is in respect of an act neglected to be done.

Extension  
of time

(5) The Commissioner may extend the time for filing notice under clause (3) (a) for a period of not more than fifteen days and the time for service under clause (3) (b) for such period as seems reasonable in the circumstances.

Substitute  
service

(6) Where service under clause (3) (b) cannot be made without undue difficulty, the Commissioner may make such order for substitutional service as he considers just. R.S.O. 1980, c. 268, s. 133, *amended*.

Hearing by  
Commissioner

**124.**—(1) The Commissioner shall hold a hearing in respect of,

(a) every matter, within his jurisdiction, referred to him under this Act; and

(b) every appeal to him that is permitted under this Act. R.S.O. 1980, c. 268, s. 134, *amended*.

Time for  
hearing

(2) The Commissioner may fix such time for a hearing as will permit the matter to be disposed of as promptly as possi-



ble allowing adequate time to the parties to prepare their cases but, unless all parties consent thereto, the hearing shall not be held less than ten days after service of the notice of the hearing on the parties.

(3) The Commissioner shall select as the place for a hearing such place as he considers most convenient for the parties in the county or district or one of the counties or districts in which the land affected is situate unless it appears desirable that the hearing should be in some other county or district. R.S.O. 1980, c. 268, s. 135, *part, amended*.

Place for  
hearing

**125.** The Commissioner may hear and dispose of any application not involving the final determination of the proceeding, either without notice or on notice, at any place he considers convenient and his decision on any such application is final but, where the Commissioner makes his decision without notice, he may subsequently reconsider and amend the decision. R.S.O. 1980, c. 268, s. 138, *amended*.

Interlocutory  
applications

**126.—**(1) The Commissioner may,

Directions of  
Commis-  
sioner  
re  
proceedings

- (a) give directions for having any matter heard and decided without unnecessary formality;
- (b) order the filing or serving of statements, particulars, objections or answers, the production of documents and things and the making of amendments;
- (c) order discoveries and examinations on affidavits;
- (d) give such other directions respecting the procedure and hearing as he considers proper; and
- (e) order or allow such substituted or other service as he considers proper.

(2) The Commissioner may take or order the evidence of any witness to be taken at any place in or out of Ontario. R.S.O. 1980, c. 268, s. 137, *amended*.

Taking of  
evidence

**127.** The Commissioner may obtain the assistance of experts who may, under his order, view and examine the property in question and, in giving his decision, he may give such weight to their opinion or report as he considers proper. R.S.O. 1980, c. 268, s. 139, *amended*.

Expert  
assistance

**128.—**(1) The Commissioner, in addition to hearing evidence adduced by parties, may, in any matter before him, require and receive such other evidence as he considers

Commis-  
sioner  
may call for  
evidence and  
view property



proper and may view and examine the property in question and give his decision upon such evidence or view and examination or may appoint a person to make an inspection of the property and may receive as evidence and act on the report of the person so appointed.

Statement  
of view or  
special  
knowledge

(2) Where the Commissioner proceeds partly on a view or on any special knowledge or skill possessed by him, he shall state, in writing, those matters that he took into account so as to enable a judgment to be formed of the weight that should be given thereto.

View only

(3) Where the parties consent, in writing, the Commissioner may proceed wholly on a view and, in that case, his decision is final. R.S.O. 1980, c. 268, s. 140, *amended*.

Disclosure  
of evidence  
to parties

**129.** Where the Commissioner receives any opinion, report or evidence under section 127 or 128 in any proceeding before him, the opinion, report or evidence shall be disclosed to the parties to the proceeding who, if they so request, shall be afforded an opportunity of cross-examining the person expressing the opinion, making the report or giving the evidence. R.S.O. 1980, c. 268, s. 141.

Decision on  
the merits

**130.** The Commissioner shall give his decision upon the real merits and substantial justice of the case. R.S.O. 1980, c. 268, s. 142.

Security  
for costs

**131.** Where the Commissioner considers a proceeding vexatious or where it is brought by a person residing out of Ontario, he may order that such security for costs as he considers proper be given and that in default of the security being given within the time specified or in default of speedy prosecution the proceeding be dismissed. R.S.O. 1980, c. 268, s. 143.

Costs

**132.—**(1) The Commissioner may, in his discretion, award costs to any party and may direct that the costs be assessed by the local registrar of the District Court or by one of the assessment officers at Toronto or may order that a lump sum be paid in lieu of taxed costs. R.S.O. 1980, c. 268, s. 147.

Counsel  
fees

(2) The Commissioner has the same powers as an assessment officer of the Supreme Court with respect to counsel fees. R.S.O. 1980, c. 268, s. 148, *amended*.

Oral  
decisions  
R.S.O. 1980,  
c. 484

**133.** Notwithstanding section 17 of the *Statutory Powers Procedure Act*, the Commissioner may render an oral decision with oral reasons. *New.*

**134.**—(1) Where the Commissioner makes an order, it shall be written but need not show upon its face that in any proceeding, notice was had or given or that any circumstances existed necessary to give jurisdiction to make the order. Orders to be written

(2) Every order of the Commissioner, with the exhibits, the statement, if any, of view or of special knowledge or skills and the reasons for his decision shall be filed in the appropriate recording office and the recorder shall record and give notice of the filing to the solicitors of the parties appearing by solicitor and to parties not represented by a solicitor. R.S.O. 1980, c. 268, s. 150, *amended*. Document to be filed and recorded

**135.** Where not otherwise provided, an appeal lies to the Divisional Court from any decision of the Commissioner. R.S.O. 1980, c. 268, s. 154. Appeal to Divisional Court

**136.** Where the hearing is to be held at a place where a court house is situate, the Commissioner has the right to use the court room, and where the hearing is to take place in a municipality in which there is a hall belonging to the municipality, but no court room, he has the right to use the hall. R.S.O. 1980, c. 268, s. 144. Use of court rooms, etc.

**137.** The evidence taken before the Commissioner shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. R.S.O. 1980, c. 268, s. 146. Recording of evidence

**138.**—(1) Any party in a proceeding before the Commissioner concerning an interest in mining rights is entitled to obtain from the Commissioner a notice of interest. Notice of interest

(2) Every recorder who receives a notice of interest shall record the notice on the record of the mining claim involved and send a copy of it, by prepaid mail, to every recorded holder of an interest in the mining rights involved. R.S.O. 1980, c. 268, s. 75, *part, amended*. Recording of notice of interest

**139.** The Commissioner may direct a recorder to, or the recorder, on his own initiative, may record on the record of any mining claim a notice that the status of the claim is in question. R.S.O. 1980, c. 268, s. 75, *part, amended*. Notice that status in question

**140.** Upon a notice being recorded under section 139, all time requirements under this Act or regulations as to performing and recording work in respect of the mining claim involved are suspended and do not begin to run until a revocation of the notice has been recorded. *New*. Effect of notice

Order  
vacating

**141.**—(1) Any person with an interest in a mining claim in respect of which a notice is recorded under section 138 or 139, may at any time, apply to the Commissioner for an order vacating the notice.

Notice of  
order  
vacating

(2) Every recorder who receives an order to vacate a notice shall send, by prepaid mail, a copy of the order to every recorded holder of an interest in the mining claim involved and shall record it on the record of the mining claim involved. R.S.O. 1980, c. 268, s. 75, *amended*.

## PART IX

### HAZARDOUS LANDS

Definitions

**142.** In this Part,

“lien” includes a lien created under section 161 of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, or a predecessor of that section;

“owner”, when referring to the owner of a mine, means a person holding a freehold or leasehold interest in the mining rights in respect of land in, on or under which is situate a mine or any part thereof and includes a person who is a holder of a licence of occupation issued under this Act or a predecessor of this Act in respect of such land;

1984, c. 13

“professional engineer” means a person licensed as a professional engineer under the *Professional Engineers Act, 1984*;

“registered” means,

R.S.O. 1980,  
cc. 230, 445

(a) registered under the *Land Titles Act* or the *Registry Act*, or

(b) in the case of land held under a licence of occupation, deposited at the office of the Minister,

and “register” has the corresponding meaning. *New*.

District mine  
inspector

**143.**—(1) The Minister may designate, in writing, any employee of the Crown as a district mine inspector.

Powers of  
district mine  
inspector

(2) For the purpose of carrying out his duties and exercising his powers under this Part, a district mine inspector may,

(a) enter in or on any land or business premises at any reasonable time without notice or warrant;



- (b) make such investigations as he considers necessary in order to determine the nature and extent of any existing or potential hazards;
- (c) require the production of any drawings, specifications, licence, document, record or report and inspect, examine and copy the same;
- (d) on giving a receipt therefor, remove any drawing, specifications, licence, document, record or report inspected or examined for the purpose of making copies thereof or extracts therefrom, and upon making copies thereof or extracts therefrom, shall promptly return them to the person who produced or furnished them;
- (e) in any inspection, examination, inquiry or test, be accompanied and assisted by or take with him any persons having special, expert or professional knowledge of any matter, take photographs and take with him and use any equipment or materials required for the purpose; and
- (f) authorize entry in or on any land or business premises without warrant by any person for the purpose of performing work ordered under section 147 (protective measures by Minister). *New.*

**144.** Every owner of a mine, the operation of which is permanently or temporarily discontinued, shall take all necessary protective measures at the mine to prevent personal injury or property damage that is reasonably foreseeable as a result of the mine's existence. *New.*

Protective  
measures

**145.—(1)** Where, in the opinion of the Minister, the operation of a mine is discontinued, he may designate the mine as an inactive mine and shall register notice of his designation.

Designation  
of inactive  
mine

(2) Where the Minister designates a mine as an inactive mine, he shall serve notice of the designation on the owner of the mine and, where the owner of the land in, on or under which the mine is situate, is a different person, on that person.

Notice to  
owner

(3) Every person served with a notice under this section is entitled to a hearing by the Commissioner if he serves the Commissioner and Minister with notice, within thirty days after being served with a notice of the designation, that he requires a hearing in respect of the designation.

Notice  
requiring a  
hearing



Minister  
is party

(4) The Minister is entitled to be a party to every hearing held in respect of an inactive mine designation.

Decision by  
Commis-  
sioner

(5) The Commissioner, at the conclusion of the hearing, shall confirm or rescind the designation made by the Minister.

Designation  
revoked

(6) Where the Commissioner rescinds a designation of the Minister, the Minister shall, forthwith, register notice of the rescission and thereupon the designation made by the Minister is revoked. *New.*

Direction to  
take  
protective  
measures

**146.**—(1) A district mine inspector, where he is of the opinion that protective measures should be taken or that measures taken are no longer adequate or appropriate, may by order direct the owner of an inactive mine to take the measures specified in the order within the period specified in the order.

Revocation  
of order

(2) The registration of a notice of rescission under subsection 145 (6) revokes every order under this section in respect of the mine involved made prior to the registration. *New.*

Protective  
measures  
by Minister

**147.**—(1) Where an order of the district mine inspector is not complied with, the Minister may cause the ordered protective measures to be taken and shall pay the cost incurred.

Protective  
measures for  
immediate  
hazards

(2) Where, in the opinion of a district mine inspector, an inactive mine constitutes an immediate hazard to persons or property, the district mine inspector may cause such protective measures as he considers necessary to be taken and the Minister shall pay the costs incurred.

Recovery of  
cost

(3) Unless the Commissioner determines that it was not necessary to incur them, costs paid under subsection (1) or (2) or such other amount as may be determined by the Commissioner, including interest thereon at the prescribed rate, are a debt due to the Crown by the owner of the mine at the time the costs were incurred and are recoverable by the Crown in a court of competent jurisdiction.

Application  
to  
Commis-  
sioner

(4) Any person liable for costs under this section may apply to the Commissioner to determine whether it was necessary to incur the costs and, if so, the amount that it was necessary to incur.

Lien

(5) Costs referred to in subsection (3), including interest thereon at the prescribed rate, are a lien upon mining rights and surface rights used in conjunction with the mine and all adjoining mining rights and surface rights owned by the owner of the mine and the Minister may register notice of the lien.

(6) Upon notice of a lien being registered under this section, the rights subject to the lien shall not be transferred and any purported transfer in contravention of this subsection is void.

Transfer  
prohibited

(7) The Minister, on such conditions as he considers proper, may register,

Idem

(a) a postponement of lien and, on registration, the lien is suspended for the period and in accordance with the conditions therein described; or

(b) a cessation of lien.

(8) A lien under this section may be realized by the sale of any or all of the interests subject to it. *New.*

Realization  
of lien

**148.** No person shall alter any protective measures taken in accordance with this Part except with the prior written consent of the Minister. *New.*

Retaining  
protection

**149.** Where protective measures ordered under this Part are done, the Minister, on request, shall provide a certificate stating that the requirements of this section have been complied with to the date of the certificate and the certificate may be registered. *New.*

Certificate  
that  
requirements  
met

**150.—**(1) The Minister may designate any land as limited use land where, in his opinion, use of the land for purposes other than mining is potentially hazardous.

Designation  
as limited  
use land

(2) Where the Minister proposes to designate land as limited use land, he shall serve notice of his proposal on every person appearing in the records of the land registry office as having an interest in the surface rights and shall register notice of his proposed designation.

Notice of  
proposal to  
designate

(3) Where the Minister registers notice of a proposed designation, he may make public any relevant information obtained from a mine plan submitted under this Act or a predecessor of this Act.

Public  
disclosure

(4) Every person who is served with a notice under subsection (2) is entitled to a hearing by the Commissioner if he serves the Commissioner and Minister with notice requiring a hearing, within thirty days after being served with a notice under subsection (2).

Notice  
requiring  
hearing

(5) If a notice requiring a hearing is not served as set out in subsection (4) or after a hearing the Commissioner determines

Minister may  
designate if  
no hearing  
required

that the proposal should proceed, the Minister may designate the land as limited use land and, where he does so, shall register the designation forthwith.

Subsequent  
right to  
require a  
hearing

(6) Where a designation is made under subsection (5), any person with an interest in the surface rights of the land involved may, at any time, require a hearing by serving the Commissioner and Minister with notice to that effect.

Approved  
studies and  
tests

(7) Any person who requires a hearing under subsection (4) or (6) may submit to the Minister a plan for the performance of studies and tests to determine the existence and exact location of mine workings underlying the land and the condition of the rock between the mine workings and the surface and, if the Minister approves, that person may carry out the studies and tests.

Revocation  
of  
designation

(8) Where, on the basis of studies and tests done under subsection (7) the Minister determines, or, after a hearing the Commissioner determines, that the land should not be designated as limited use land, the Minister shall forthwith register revocation of the notice of the proposed designation or of the designation, as is appropriate.

Reimburse-  
ment for  
costs

(9) Where a revocation is registered, the Minister shall reimburse the person who paid for any studies and tests used in arriving at a determination, the cost thereof. *New.*

Limited use  
land  
restrictions

**151.**—(1) No person who has an interest in the surface rights of land designated as limited use land shall cause or allow,

- (a) any change in the existing use of the land;
- (b) any addition to an existing structure or building located on the land; or
- (c) the construction of a structure or building on the land,

without the prior written approval of the Minister.

Minister may  
require  
reports

(2) Where the Minister receives a request for approval under subsection (1), he may require such reports as he considers necessary, including a report from a professional engineer, setting out such particulars as he needs to make a decision. *New.*

Examination  
of  
documentary  
evidence

**152.** Where the Commissioner holds a hearing under this Part, the person requiring the hearing may examine, before



the hearing, any written evidence that will be produced and any report, the contents of which will be given in evidence at the hearing. *New.*

**153.** A designation under this Part is not a regulation under the *Regulations Act*. *New.*

Designation  
not  
regulation  
under  
R.S.O. 1980,  
c. 446

**154.**—(1) Every person who contravenes any provision of this Part is guilty of an offence and, on conviction, is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than three months or to both.

Offence

(2) Where the Minister has given written notice to a person that there is a contravention of any provision in this Part, that person, on conviction, is liable to a further fine of not more than \$100 for every day that the offence continues after the notice.

Additional  
penalty for  
continuing  
offence

(3) Where, in committing an offence under this Part, a person does or neglects to do any act, the commission or neglect of which could reasonably be foreseen as endangering the safety of any person, the offending person is liable, in addition to any other penalty under this Act, to imprisonment for a term of not more than three months. R.S.O. 1980, c. 268, s. 176, *amended*.

Imprisonment

## PART X

### MINING LAND TAX

**155.** In this Part,

Definitions

“municipality” means a city, town, village, township or county, the inhabitants of which are a body corporate within the meaning and for the purposes of the *Municipal Act* and includes an improvement district, district municipality and regional municipality and The Municipality of Metropolitan Toronto;

R.S.O. 1980,  
c. 302

“tax” means a tax under this Part. R.S.O. 1980, c. 268, s. 201, *amended*.

**156.** Except as provided in this Part,

Liability  
for tax

- (a) all patented land in territory without municipal organization granted, held or used for mining purposes;



- (b) all mining rights in, on or under patented land in a municipality granted, held or used for mining purposes; and
- (c) all mining rights in, on or under patented land that are severed or held separate from the surface rights,

are subject to tax and the owner shall pay the prescribed annual tax on or before the 15th day of March in the year in which it is imposed. R.S.O. 1980, c. 268, s. 204, *amended*.

Exemptions  
from tax by  
Minister

**157.**—(1) The Minister may exempt land or mining rights from the tax where,

- (a) the land is subdivided by a registered plan or reference plan into lots or parcels for city, town, village or summer resort purposes;
- (b) the land is being used for a public park or cemetery or for educational or religious purposes;
- (c) the land is in *bona fide* use for farming or other agricultural purposes; or
- (d) the mining rights in, on or under land situated south of the French River, Lake Nipissing and the Mattawa River, including the Territorial District of Manitoulin, that are held, used or developed solely for the production of natural gas or petroleum. R.S.O. 1980, c. 268, s. 205 (1), *amended*.

Idem

(2) Where the mining rights that were not subject to tax become subject to tax because the surface rights thereof have been severed from the mining rights for a public road, highway or public utility, the Minister may exempt the mining rights so severed from the tax during such time as he is satisfied that the mining rights are not being used or held for mining purposes. R.S.O. 1980, c. 268, s. 218 (2), *amended*.

Where  
mining rights  
taxable only

(3) Where the Minister is satisfied that the surface rights of land referred to in clause 156 (a) are being used for purposes other than that of mining or the mining industry, he may exempt the surface rights from the tax. R.S.O. 1980, c. 268, s. 206, *amended*.

Decision  
final

(4) An exemption by the Minister under this section is final but the Minister may reconsider his decision where the circumstances on which he based his decision change. R.S.O. 1980, c. 268, s. 205 (2), *amended*.

**158.** The Minister shall have an annual tax roll prepared showing the land and mining rights subject to tax. R.S.O. 1980, c. 268, s. 207, *amended*. Tax roll

**159.** The Minister may register in the proper land registry office a notice of liability to taxation in respect of any land or mining rights subject to tax. R.S.O. 1980, c. 268, s. 208, *amended*. Registration of notice of liability

**160.**—(1) Any person may apply to the Commissioner to determine whether he is liable to pay tax or to determine the amount of tax payable, as the case may be. Determining liability for tax

(2) The Minister may refer to the Commissioner any question as to whether any land or mining rights are wrongfully omitted from the tax roll. Omission from tax roll

(3) The Minister is a party to every proceeding before the Commissioner under this section. R.S.O. 1980, c. 268, s. 210, *amended*. Minister to be party

**161.** Where tax is unpaid on the 15th day of March in the year in which it is payable, a penalty at the prescribed rate together with prescribed costs, where applicable, shall be added thereto, accumulating annually thereafter on any part that remains unpaid and, for all purposes, the amount of the tax and penalty are considered to be the tax due and payable under this Part. R.S.O. 1980, c. 268, s. 215, *amended*. Penalty for default

**162.** All arrears of acreage tax and penalties under a predecessor of this Act are arrears of tax for the purpose of this Part. *New*. Arrears under previous Act

**163.**—(1) All tax, penalties and costs payable under this Part constitute a special lien on the land or mining rights against which the tax is levied in priority to every claim, privilege, lien or encumbrance of any person, whether the right of that person has accrued before or after the attaching of the special lien. Special lien and priority of the tax

(2) The priority of a special lien is not lost by any omission, error or failure to register. Idem

(3) A special lien may be realized by the sale of any or all property subject to it. R.S.O. 1980, c. 268, s. 216, *amended*. Realization of lien

**164.** If the tax levied on any land or mining rights is not paid when due, the Minister may apply to a court of competent jurisdiction for recovery of the tax together with penalties and costs. R.S.O. 1980, c. 268, s. 217, *amended*. Right of action for tax

Tax arrears

**165.**—(1) Where tax in respect of land or mining rights is two years in arrears, the Minister may send notice of the arrears to every person who appears, from the land registry office records, to have an interest in the land or rights, addressed to that person at the address shown for that person in the land registry office records or such latter address as is known to the Minister.

Who may  
pay

(2) Any person who receives a notice under subsection (1) may pay the taxes outstanding. R.S.O. 1980, c. 268, s. 212, *part, amended*.

Declaration  
of forfeiture

**166.**—(1) Where any taxes, penalties or costs remain unpaid six months after the notice of arrears has been sent, the Minister may order all interest in land or mining rights in respect of which the default exists forfeited.

Registration  
of  
certificate

(2) Upon a certificate of forfeiture being registered, all interest in the land or mining rights described in the certificate is forfeited to the Crown.

Registration  
conclusive

(3) Registration of a certificate of forfeiture is conclusive evidence of the forfeiture to and vesting in the Crown of the interest in the land or mining rights described therein notwithstanding any defect or omission.

Cancelling  
forfeit

(4) The Minister may order the cancellation of the forfeiture and where he does so, shall issue a certificate of cancellation of forfeiture. R.S.O. 1980, c. 268, s. 212, *part, amended*.

Claim for  
tax payment  
by co-owner

**167.**—(1) Where an interest in land or mining rights subject to tax is held by co-owners and one co-owner has not paid his proportionate share of the tax for the four years immediately preceding the application, the Commissioner, on the application of a co-owner who has paid the tax, may make an order requiring the delinquent co-owner to pay, within three months after the date of the order or such further time as the Commissioner may fix, his proportion of the tax to the co-owner who has paid the tax together with interest at the prescribed rate compounded yearly or, in default of payment, vesting the interest of the delinquent co-owner in the applicant.

Interpretation

(2) For the purpose of this section, a corporation with share capital and shareholders thereof are considered to be co-owners. R.S.O. 1980, c. 268, s. 211, *part, amended*.



## PART XI

## REFINERIES

**168.** In this Part,

Definitions

“precious metal” means silver, gold, platinum, palladium, rhodium, iridium, ruthenium, osmium and alloys and partially refined metal containing one or more of these metals;

“refinery” means apparatus or equipment, including ancillary equipment, fluxes and reactants, that may be used for refining, retorting, smelting, assaying or treating of mineral, partially refined metal, alloy, metallic scrap, jewellery or other substance for the purpose of recovering therefrom or of determining the quantity therein of any precious metal, but not including,

- (a) equipment or apparatus for effecting the physical separation of finely divided precious metal from naturally occurring unconsolidated deposits of sand or gravel if operated by a licensed prospector or his agent during prospecting or evaluation of a deposit, or
- (b) equipment or instruments for determining or estimating the precious metal content of a sample by technical methods that do not result in the separation of the precious metal from the ore or substance constituting the sample. R.S.O. 1980, c. 268, s. 164, *amended*.

**169.**—(1) Subject to subsection (2), no person shall have a refinery in his possession or under his control or on land of which he is the owner, licensee, lessee or tenant unless there is a refinery licence for that refinery. Refinery licence required

(2) A refinery licence is not required for a refinery for which a certificate of exemption has been issued. R.S.O. 1980, c. 268, s. 165, *amended*. Exception

**170.**—(1) The Minister may issue a refinery licence to any person who applies therefor. Issue of refinery licence

(2) The Minister may issue a certificate of exemption in respect of a refinery where he is satisfied that the refinery, Certificate of exemption

- (a) shall not be maintained or used for refining, retorting, smelting, assaying or treating an ore, mineral or substance for the purpose of recovering there-



from or determining the quantity therein of any precious metal; or

(b) shall be used for educational purposes only.

Refusal to  
issue, etc.

(3) The Minister may refuse to issue or to renew a refinery licence or a certificate of exemption or may cancel a refinery licence or certificate of exemption where he considers it in the public interest to do so.

Term of  
licence and  
certificate  
of exemption

(4) Every refinery licence and certificate of exemption expires on the 31st day of March next following the issue thereof. R.S.O. 1980, c. 268, ss. 166, 168, *part, amended*.

Reference to  
Commis-  
sioner  
for hearing  
and report

**171.**—(1) Where the Minister proposes to refuse to issue or renew or to cancel a refinery licence or certificate of exemption, he shall refer the matter to the Commissioner.

Report

(2) Where a matter has been referred to him under subsection (1), the Commissioner shall make a report to the Minister setting out,

- (a) his findings of fact and all information or knowledge used by him in reaching his recommendations;
- (b) any conclusions of law he has arrived at relevant to his recommendations; and
- (c) his recommendations concerning the issue, renewal or cancellation, as the case may be,

and shall send a copy of his report to the person to whom it relates.

Decision of  
Minister

(3) After considering the Commissioner's report, the Minister shall make his decision concerning the issue, renewal or cancellation and shall notify the applicant, licensee or certificate holder of his decision and the reason therefor and the Minister's decision in this respect is final. R.S.O. 1980, c. 268, s. 167, *amended*.

Use of  
refinery

**172.** No person who has under his control a refinery in respect of which there is a certificate of exemption shall permit the refinery to be used for refining, retorting, smelting, assaying or treating of any mineral or substance for the purpose of recovering therefrom or determining the quantity therein of any precious metal. R.S.O. 1980, c. 268, s. 168 (2), *amended*.

**173.** The Minister may direct the Commissioner to conduct an inquiry into a charge that a person has contravened a provision of this Part and the Commissioner, for the purposes of the inquiry, has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act. R.S.O. 1980, c. 268, s. 171, *amended*.

Inquiry by  
Commis-  
sioner

R.S.O. 1980,  
c. 411

**174.** Every person who contravenes any provision of this Part is guilty of an offence and, on conviction, is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1980, c. 268, s. 169, *amended*.

Penalty

## PART XII

### GENERAL

**175.—**(1) The *Construction Lien Act, 1983* applies to mining claims, mining land and works connected with either but does not apply to quarries.

Lien for  
wages—  
application of  
1983, c. 6

(2) Where the mining rights in Crown land are recorded as a mining claim, the registration provided for in the *Construction Lien Act, 1983* shall be in the recording office.

Registration  
of lien with  
recorder

(3) Where a licence of occupation or an exploratory licence of occupation has been issued, the registration provided for in the *Construction Lien Act, 1983* shall be in the office of the Minister.

Registration  
of lien  
with Minister

(4) Where the action is for wages in connection with mining land, a mining claim or works connected with either, in addition to the rights and remedies afforded by the *Construction Lien Act, 1983*, the claimant has a lien on all other property of the holder of the freehold or leasehold interest in the mining land or of the mining claim holder that is in, on or under the land involved for a sum not exceeding thirty days wages and this claim may be enforced under this Act.

Lien where  
action for  
wages

(5) Where the Commissioner is satisfied that a claim for a lien recorded under this section is not made in good faith or is made for some improper purpose or where the owner or holder is unduly embarrassed thereby, he may make an order cancelling the lien upon such terms as to security as he considers proper.

Cancellation  
of lien

(6) A lien does not affect the rights of the Crown. R.S.O. 1980, c. 268, s. 185, *amended*.

Rights of  
Crown

Corporate  
land  
forfeited  
to Crown on  
dissolution

**176.**—(1) Where a corporation is dissolved, all interests in mining land or mining rights of the corporation that have not been disposed of at the date of its dissolution are, notwithstanding anything in any other Act, thereupon forfeited to and vested in the Crown, free from every right, title, interest or claim therein or thereto.

Where 1982,  
c. 4,  
s. 243 (2)  
does not  
apply

(2) Subsection 243 (2) of the *Business Corporations Act*, 1982 does not apply and shall be deemed to never have applied to interests in mining land and mining rights. *New.*

Lands and  
easements  
revert to  
Crown

**177.** Where under this Act a dominant tenement reverts to and becomes vested in the Crown, any easement appurtenant thereto passes to the Crown and, where a servient tenement reverts to and becomes vested in the Crown, any easement to which the servient tenement is subject is not affected. R.S.O. 1980, c. 268, s. 219.

Administra-  
tion  
of reverted  
land or rights

**178.** Where freehold or leasehold interest in mining land or mining rights reverts, other than by transfer, to the Crown, the land or rights may be dealt with as unpatented Crown land under any Act administered by the Minister. R.S.O. 1980, c. 268, s. 195, *amended*.

Interpretation

**179.**—(1) In this section, “highway” includes road allowance. R.S.O. 1980, c. 268, s. 197, *amended*.

Mineral  
rights under  
roads

(2) The corporation of any municipality in that part of Ontario lying south of the French River, Lake Nipissing and the River Mattawa, may sell or lease the right to take minerals found on or under any highway over which the municipality has jurisdiction.

In northern  
part of  
Province

(3) In the parts of Ontario not described in subsection (2), the mining rights in, on or under highways are vested in the Crown and may be disposed of under this Act.

Notice  
requirement

(4) No sale or lease under subsection (2) may take place until after notice of the intended by-law authorizing the sale or lease has been posted in six public places in the neighbourhood of the highway for at least one month before the time set for considering the by-law.

Rights of  
adjoining  
land  
owners

(5) Where mining land adjoins a highway and the mineral vein or deposit thereon extends into or under the highway, its owner has the right to purchase or lease the mining rights in, on or under the highway subject to this Act or, where there are mining lands on both sides of a highway, the right to purchase or lease accrues to the owner on each side thereof in respect of the half of the highway adjoining his land.



(6) Every conveyance or lease under this section is subject to the condition that the right of the public to travel over the highway will not be interfered with unless a comparable substituted road is provided by the grantee or lessee.

Right to  
public  
travel  
preserved

(7) Subsections (4) and (5) do not apply to highways on land granted before the 1st day of May, 1904 by the Crown under a predecessor of this Act or by a grant wherein the mines and minerals were not reserved to the Crown. *New.*

Exception

**180.**—(1) Every owner of mining land on or under which is situated a mine, plant, quarry or other works, including brine wells and storage facilities, on or before the 31st day of March in every year, shall send to the Minister, on forms supplied by the Ministry, a correct return for the year that ended on the 31st day of December immediately preceding, showing,

Statistical  
returns

(a) the number of persons ordinarily employed below and above ground respectively;

(b) the total amount of wages paid during the year;

(c) the quantity, in standard weight, of the minerals processed and of the salt, peat, sand, gravel or unprocessed mineral that has been sold, treated or used during the year and the value or estimated value thereof; and

(d) such other particulars as are prescribed.

(2) If required by the Minister, an owner of land on or under which is situate an operating mine from which minerals are being removed shall make a monthly or quarterly return providing the information required under subsection (1).

Monthly or  
quarterly  
returns

(3) Every person who fails to comply with subsection (1) or a requirement of the Minister under subsection (2) or makes a return that is, to his knowledge, false in any particular is guilty of an offence and, on conviction, is liable to a fine of not more than \$1,000. R.S.O. 1980, c. 268, s. 163, *amended.*

False return,  
etc.

**181.**—(1) All interests in mining land or mining rights patented, leased or otherwise disposed of are subject to the condition that all minerals therefrom shall be treated and refined in Canada so as to yield refined metal or other product suitable for direct use in the arts without further treatment.

All minerals  
to be treated  
in Canada

(2) Where there is a contravention of the condition set out in subsection (1), the Lieutenant Governor in Council, by

Order in  
council



order in council, may declare the interest in the mining land or mining rights forfeited to the Crown.

Rights vest  
in Crown

(3) On an order in council made under subsection (2) being registered in the proper land registry office or, in the case of a licence of occupation, deposited in the office of the Minister, the interest described therein reverts to and becomes vested in the Crown free from every interest or claim.

Determi-  
nation  
by Minister

(4) For the purposes of subsection (1), the Minister may determine the stage of refinement at which any mineral substance is refined metal or other product suitable for direct use in the arts without further treatment.

Exemptions

(5) The Lieutenant Governor in Council may exempt any mining land or mining rights from the operation of this section for such period of time and subject to such conditions as the Lieutenant Governor in Council considers proper. R.S.O. 1980, c. 268, s. 104, *amended*.

Conditions  
under which  
trees may  
be cut

**182.**—(1) A holder of a mining claim or of a lease may, with the permission of the Minister and subject to such conditions and payment of fees as the Minister considers reasonable, cut trees on the land involved as may be necessary for building, fencing or fuel purposes or for any other purpose necessary for the development or working of the minerals thereon.

Idem

(2) The Minister, where there is a licence or permit from the Crown to cut timber on land that is subject to a mining claim or a lease of mining rights, may grant the holder of the claim or lease permission to cut trees on condition that he compensate the timber licensee or permittee for the trees cut.

Determi-  
nation  
of disputes

(3) Where a dispute arises as to the value or quantity of the trees cut pursuant to permission given by the Minister, the Minister shall determine the dispute and his decision is final. R.S.O. 1980, c. 268, s. 105, *part, amended*.

Right to  
remove  
property

**183.**—(1) Any person who has buildings, structures, machinery, chattels, personal property or minerals he has extracted therefrom including minerals in the form of slimes or tailings on land in respect of which mining rights were abandoned, surrendered, cancelled or forfeited, may within six months after the abandonment, surrender, cancellation or forfeiture or within such further time as is fixed by the Commissioner, remove them and, in default of so doing, everything not removed vests in the Crown.

(2) Subsection (1) does not apply to permit minerals, including slimes and tailings to be taken from a mining claim referred to in subsection (1) that had not been patented. R.S.O. 1980, c. 268, s. 64, *amended*. Exception

**184.**—(1) Every person who drills or causes drilling to be done on an unpatented mining claim or on patented lands where assessment work credits are filed on adjoining unpatented claims shall store, in containers held in accordance with subsection (2), all drill core and splits obtained. Drill core and splits to be kept

(2) The containers shall be clearly labelled as to claim number, hole number and depth interval of drill runs and stored in sequence of content recovery. Containers

(3) Every person who stores drill core and splits under subsection (1) shall notify the Minister, in writing, of the place where the containers are stored together with a description of the drill hole locations. Notifying Minister

(4) No person shall,

(a) intentionally abandon, discard, dump, destroy or otherwise reduce the technical value of drill core; or Drill core not to be destroyed or removed

(b) remove from Ontario any drill core,

without the permission of the Minister.

(5) Where permission required under subsection (4) is requested, the Minister shall have twelve months in which to examine or selectively sample the core and where the Minister does not, within twelve months after the request, refuse permission, permission shall be deemed to have been given. Permission

(6) Clause (4) (a) does not apply to drill hole sections submitted for assaying or testing or microscopic, metallurgical and beneficiation studies. Exception

(7) Where complete destructive testing of exploration drill core is performed, a log of the rock descriptions shall be submitted to the Minister by the holder of the mining claim involved. *New.* Test results

**185.**—(1) Where land used for the impoundment of tailings ceases to be so used, the owner of the mine involved shall plant and maintain vegetation or otherwise stabilize the tailings area. Stabilization of tailings

Stabilization  
plans

(2) Every owner of a mine who uses land for tailings shall keep at the mine site and shall turn over for inspection to any inspector who asks to see the plan, a stabilization plan showing the nature, location and extent of all stabilization that has been completed and that is proposed.

## Security

(3) The Minister may require any owner to whom this section applies to give security in the prescribed manner to guarantee stabilization required under subsection (1).

## Stabilization

(4) Where a mine owner does not comply with subsection (1), the Minister may order the stabilization to be done with the cost thereof to be paid out of the security.

Debt to  
Crown

(5) If the amount of security given under subsection (3) is not sufficient to cover the cost of rehabilitation, the amount of the shortfall is a debt owing to the Crown by the owner of the mine and is recoverable by the Crown in a court of competent jurisdiction.

## Definition

(6) In this section, "owner" has the same meaning as in Part IX. *New.*

## Offences

**186.** Every person who,

- (a) defaces, alters, removes or disturbs any post, tag, stake, picket, boundary line, figure, working or other mark properly placed, standing or made under this Act or the regulations or a predecessor of this Act or regulations under that Act;
- (b) wilfully obstructs any person in the execution of his duty under this Act;
- (c) does not rehabilitate a quarry in accordance with the regulations;
- (d) does not allow the Commissioner, a person appointed by him or an inspector the necessary means to make an entry, inspection, examination or inquiry in relation to a mining claim or a quarry;
- (e) obstructs a person in the exercise of a right granted under an order made under this Act;
- (f) removes minerals, quarry material or other materials including clay and earth without authority;
- (g) makes a material change in the wording or numbering of a prospector's licence after its issue;



- (h) makes a false statement in an application, certificate, report, statement or other document filed, deposited or made under this Act or the regulations;
- (i) does not obey an order of the Commissioner or recorder made under this Act; or
- (j) contravenes any provision of this Act or any regulation for the contravention of which no other penalty is provided,

is guilty of an offence and, on conviction, is liable to a fine of not more than \$10,000. R.S.O. 1980, c. 268, s. 172, *amended*.

**187.** No prosecution may be instituted for an offence Prosecutions  
against this Act except,

- (a) by or by leave of the Minister, Commissioner, Director or the recorder; or
- (b) by direction of the county or district Crown Attorney. R.S.O. 1980, c. 268, s. 177 (1), *amended*.

**188.**—(1) The Lieutenant Governor in Council may make Regulations  
regulations,

1. prescribing forms and providing for their use;
2. requiring the payment of fees to the Minister, Commissioner and recorders and prescribing the amounts thereof;
3. prescribing and governing the method of staking mining claims and creating exceptions respecting irregular areas, the shape, size and area of mining claims in unsubdivided areas and subdivided townships, the standards and inscriptions of claim posts and tags and the blazing or alternative method of identifying boundary lines and prohibiting the use of used posts or material and by sketches illustrating such matters;
4. prescribing information to be shown on applications;
5. prescribing information to be shown on sketches or plans accompanying applications;



6. governing the use and expiry of tags;
7. defining, establishing and limiting types of assessment work, prescribing the dollar value of assessment work to be performed in any year on a mining claim;
8. governing the performance of additional assessment work on mining claims exceeding the prescribed maximum areas and extension of time therefor;
9. governing applications;
10. prescribing the contents of and supporting information in reports;
11. permitting and governing the distribution of assessment work;
12. prescribing annual rents and fees and minimum rents and fees payable under leases of mining land and mining rights and licences to hold mining rights and the adjustment of the rents and fees;
13. governing the issue, refusal and cancellation of licences of occupation and leases;
14. prescribing conditions, reservations and provisions to which licences of occupation and leases are subject;
15. governing the rehabilitation of quarries;
16. governing the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or land sold or leased as mining land or recorded under this Act or any predecessor of this Act, and for the opening, construction, maintenance and use of ditches, aqueducts, or raceways through, over or on such land for the conveying and passage of water for mining purposes;
17. prescribing protective measures in respect of inactive mines;
18. respecting the issue of licences to explore for and leases to produce natural gas and petroleum from Crown land, including,

- i. fees, rents and royalties payable in respect thereof, and
  - ii. the bonding of licensees and the conditions of forfeiture of bonds;
19. governing the sinking, boring and drilling of brine wells and product storage wells;
20. governing the engineering designs of salt solution mining caverns and storage facilities and the volumes of material injected therein or removed therefrom;
21. respecting the submission of logs for brine wells and product storage wells, analysis or work carried out in the wells, including the measurement of injection or production of fluids from the salt solution mining or operations of storage facilities;
22. respecting monuments installed for the measurement of subsidence caused by salt solution mining and the operation of storage facilities;
23. governing the recording and submission of surveys and logs to determine the size and configuration of underground caverns created by salt solution mining or used for storage facilities;
24. governing the rehabilitation of brine wells, salt solution mining caverns, product storage wells and storage facilities;
25. respecting the submission of annual reports and the contents thereof;
26. prohibiting or regulating the removal of any material from any bed, beach, shore or waters of or adjacent to any part of the shores of Lake Erie, Lake Ontario or Lake Huron, from any land covered by the waters of any of those lakes that is adjacent to the shore from any sandbar or flat in any of those lakes or any channel or entrance to any of those lakes;
27. prescribing any matter that by this Act is required or permitted to be or referred to as prescribed by the regulations.

Idem

(2) Any regulation may be general or particular in its application. R.S.O. 1980, c. 268, s. 190, *amended*.

### PART XIII

#### SALT SOLUTION MINING AND STORAGE FACILITIES

Definitions

**189.** In this Part,

“brine well” means a well sunk, bored or drilled into the ground to a salt formation;

“permit holder” means a holder of a permit issued under this Part;

“product storage well” means a well sunk, bored or drilled into the ground to a salt formation through which a product is stored or recovered;

“salt solution mining” means the sinking, boring or drilling of a brine well and the extraction of salt in solution from underground salt formations;

“salt solution mining cavern” means a cavern formed in a salt formation from salt solution mining;

“storage facility” means a product storage well and a connecting cavern used to store hydrocarbon products. *New*.

Permit  
required

**190.**—(1) No person shall carry on salt solution mining or operate a storage facility except under the authority of a permit issued under this Part and in accordance with this Part and the regulations.

Application  
delayed

(2) Subsection (1) does not apply until six months after this Act comes into force. *New*.

Permit issued  
by Minister

**191.** The Minister may issue permits to carry on salt solution mining or to operate a storage facility. *New*.

Refusal to  
issue permit

**192.** The Minister may refuse to issue a permit where he considers that to issue the permit is contrary to the public interest. *New*.

Suspension  
or  
cancellation  
of permit

**193.** The Minister may suspend or cancel a permit where,

- (a) the permittee has contravened any provisions of this Part or any of the conditions to which the permit is subject; or



- (b) he considers the continuation of operations under the permit to be contrary to the public interest.  
*New.*

**194.**—(1) The Minister may order any permit holder to immediately suspend operations where the continuation of operations is not in accordance with the permit and he considers it will likely cause harm and where he does so, the permit holder shall immediately suspend his operations. Immediate suspension of operations

(2) Subject to an appeal under subsection 195 (2), the Minister's decision to suspend operations is final. *New.* Idem

**195.**—(1) Where the Minister proposes to refuse to issue a permit or to suspend or cancel a permit, he shall give the applicant or permit holder written notice of his proposal and the reasons therefor. Proposal to refuse, suspend or cancel

(2) Any person who receives a notice under subsection (1) or an order to suspend operations may appeal to the Commissioner by serving a notice of appeal on the Commissioner within fifteen days after receiving the notice or the order, as the case may be. Appeal

(3) After the Commissioner holds a hearing pursuant to an appeal, he shall submit a recommendation to the Minister in respect of the subject-matter of the appeal. Commissioner's report

(4) The Minister, after considering the Commissioner's recommendation, may, Minister's decision

- (a) issue or refuse to issue a permit;
- (b) suspend or cancel a permit; or
- (c) revoke an order of immediate suspension of operations,

as the case may be, and every decision the Minister makes in this respect is final. *New.*

**196.**—(1) Every permit issued under this Part is subject to prescribed conditions. Permits subject to conditions

(2) The Minister may at any time, in writing, exclude the application of any prescribed condition in respect of any permit. Exception by Minister

(3) The Minister may at any time make a permit subject to such conditions as he considers advisable. *New.* Other provisions



Security as  
guarantee

**197.**—(1) The Minister may require a permit holder to give security in the prescribed manner to guarantee compliance with the conditions of the permit or any of the provisions of this Part.

Ordering  
work

(2) Where the permit holder does not comply with the conditions of the permit or this Part, the Minister may order done the things required to be done with the cost thereof to be paid out of the security.

Debt to  
Crown

(3) If the amount of the security is not sufficient to cover the cost of the work done under subsection (2), the amount of the shortfall is a debt owing to the Crown by the permit holder and is recoverable by the Crown in a court of competent jurisdiction. *New.*

Rehabili-  
tation  
by permit  
holder

**198.** Where operations have not been carried on under a permit for more than two years or upon final cessation of operations, the permit holder shall rehabilitate the brine well and the salt solution mining cavern or the product storage well and the storage facility, as the case may be, in accordance with the regulations. *New.*

Report of  
spills, leaks

**199.** Every permit holder shall report to the Minister all leaks, spills, contamination or other hazardous situations resulting from his operations under his permit. *New.*

Transfer

**200.** A permit may be transferred only with the written consent of the Minister. *New.*

## PART XIV

### TRANSITION

Prospector's  
licence

**201.**—(1) Every prospector's licence issued under a predecessor of this Act that is in good standing on the day this Act comes into force shall be deemed to be a prospector's licence issued under this Act except that it expires at midnight on the 31st day of March, 1986.

Idem

(2) The expiry provision in subsection (1) does not apply to a prospector's licence that was issued as a lifetime licence.

Idem

(3) No holder of a prospector's licence suspended under a predecessor of this Act may apply for a prospector's licence under this Act until after the period of suspension.

Idem

(4) No person who was the holder of a prospector's licence that was suspended under a predecessor of this Act may apply

for a prospector's licence under this Act except with the consent of the Minister. *New.*

**202.** Unused tags issued under a predecessor of this Act may be exchanged before the 31st day of March, 1986 for tags issued under this Act and shall not be used after that date. *New.* Tags

**203.**—(1) For purposes of ascertaining assessment work credit requirements, every mining claim in good standing at the time this Act comes into force shall be considered to have been recorded as a mining claim at the time this Act comes into force. Assessment work credits

(2) In respect of every mining claim to which subsection (1) applies, the assessment work credits recorded for a claim shall be credited to that claim and where the recorded credits exceed the first year's requirements, the excess shall be credited against the requirements of subsequent years. Idem

(3) Assessment work credits that are expressed in man-days shall be credited, for purposes of subsection (2), at \$10 for each man-day credited. *New.* Idem

**204.**—(1) Every order of the Commissioner or a recorder made under a predecessor of this Act shall be deemed to be an order made by that person under this Act. Previous orders

(2) Where an order of the Commissioner made under a predecessor of this Act extends the time to apply and pay for a lease, the mining claim holder to whom the order applies may elect to apply and pay for the lease within one year after the day this Act comes into force or to continue to hold the claim by performing prescribed assessment work during that year. *New.* Idem

**205.** Every person to whom subsection 94 (1) of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, applies on the day before this Act comes into force may apply for a lease under this Act within one year after this Act comes into force or he may maintain his mining claim under this Act by performing prescribed assessment work. *New.* Extending time to apply for lease

**206.** Where a lease issued under a predecessor of this Act contains a provision requiring the consent of the Minister to the transfer of the lease, that provision shall be deemed to be deleted. *New.* Old leases transferrable

## Repeal

**207.**—(1) The *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, is repealed.

## Idem

(2) The *Beach Protection Act*, being chapter 39 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-  
ment

**208.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

## Short title

**209.** The short title of this Act is the *Mining Act, 1986*.

[Illegible text]





# Bill 30

## **An Act to amend the Education Act**

**The Hon. S. Conway**  
*Minister of Education*

---

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

The Bill relates to the provision of secondary school education by separate school boards.

The Bill deals with:

1. Election by a separate school board to perform the duties of a secondary school board.
2. Entitlement to share in legislative grants.
3. Powers and duties in respect of secondary school grades.
4. Phasing in of secondary school grades.
5. Separate school electors on public boards.
6. Exemption of separate school electors from payment of rates for public secondary school purposes.
7. Estimates and rates for separate secondary school purposes.
8. Transfer of employment of teachers and other staff.
9. Entitlement to continue as a pupil in a public secondary school.
10. Entitlement to be a pupil in a secondary school.
11. Continuation and functions of the Planning and Implementation Commission.
12. Transfers of use or ownership of real and personal property between public boards and Roman Catholic school boards.

Bill 30

1986

**An Act to amend the Education Act**

Whereas section 93 of the *Constitution Act, 1867* embodies one of the essential conditions which facilitated the creation of a united Canada in 1867 by guaranteeing to Roman Catholics in Ontario certain rights and privileges with respect to denominational schools; and whereas the Roman Catholic separate schools have become a significant part of the school system in Ontario; and whereas it has been public policy in Ontario since 1899 to provide for public funds to support education in the Roman Catholic separate schools to the end of Grade 10; and whereas it is recognized that today a basic education requires a secondary as well as an elementary education; and whereas it is just and proper and in accordance with the spirit of the guarantees given in 1867 to bring the provisions of the law respecting Roman Catholic separate schools into harmony with the provisions of the law respecting public elementary and secondary schools, by providing legislative recognition of and funding for secondary education by Roman Catholic separate schools; and whereas the foregoing facts were affirmed by the Premier of Ontario in his statement to the Legislative Assembly on the 12th day of June, 1984;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 17, 1982, chapter 20, section 2, 1982, chapter 32, section 1 and 1984, chapter 60, section 1, is further amended by adding thereto the following paragraphs:

35a. "Planning and Implementation Commission" means the Planning and Implementation Commission continued under section 136r;



42a. "public board" means a board of education or a secondary school board established under section 69;

. . . . .

46a. "Roman Catholic school board" means a separate school board that has made an election under section 136a or 136f that has been approved by the Minister;

. . . . .

59a. "separate school board" means a board that operates a separate school for Roman Catholics.

**2. The said Act is amended by adding thereto the following sections:**

*Secondary School Education*

Election re  
secondary  
school

**136a.**—(1) A separate school board may elect to perform the duties of a secondary school board for the area of jurisdiction of the board.

By-law

(2) An election under subsection (1) shall be by by-law approved by the Minister.

Approval

(3) The Minister may approve a by-law under subsection (2) upon receiving the advice of the Planning and Implementation Commission that the Commission is of the opinion that the first annual implementation plan formulated by the separate school board for the purpose of providing secondary school education and filed with the Commission will permit the separate school board to provide secondary school education and will promote the best interests of public education in Ontario.

Transmittal

(4) The secretary of a separate school board that makes an election under subsection (1) shall forthwith transmit to the Ministry a copy of the by-law certified by the secretary.

Notice

(5) Upon approval of a by-law by the Minister, the Ministry shall transmit notice of the approval to the board that passed the by-law and shall transmit a copy of the by-law and notice of approval,

(a) to the Planning and Implementation Commission;

- (b) to the secretary of every board of education that has jurisdiction in the same area as the separate school board;
- (c) to the clerk of every municipality all or part of which is within the area of jurisdiction of the separate school board; and
- (d) to the appropriate assessment commissioner.

**136b.**—(1) An election under section 136a is effective on the first day of the school year specified in the by-law approved by the Minister. Effective date

(2) A by-law approved by the Minister after the 30th day of June in a year shall not take effect before the school year that commences in the next following year. Election after 30th day of June

**136c.** A Roman Catholic school board has all the powers and shall perform all the duties that are conferred or imposed by this Act on a secondary school board in respect of the secondary school grades for which the Roman Catholic school board is entitled to share in the legislative grants. Powers and duties of Roman Catholic school board

**136d.** A Roman Catholic school board may enter into an agreement with a public board or another Roman Catholic school board to provide for the instruction of pupils of the Roman Catholic school board in the school or schools operated by the public board or the other Roman Catholic school board and for the payment in respect of such pupils of fees calculated in accordance with the regulations. Agreements for education at other schools

**136e.**—(1) A Roman Catholic school board is entitled to share in the legislative grants for secondary school purposes. Legislative grants

(2) The payment of legislative grants to a Roman Catholic school board is subject to the conditions prescribed by the regulations. Conditions

(3) The apportionment and distribution of legislative grants to a Roman Catholic school board is subject to the regulations. Apportionment and distribution

(4) The payment and apportionment of legislative grants to a Roman Catholic school board is subject to compliance by the Roman Catholic school board with sections 136a to 136y. Compliance

**136f.**—(1) Where, before the coming into force of this Act, the Planning and Implementation Commission has reported to the Minister upon the implementation plan of a Transitional

separate school board and has advised the Minister that the plan is appropriate for funding for the school year commencing in 1985, the separate school board is entitled to share in the legislative grants for secondary school purposes as of the first day of the school year commencing in 1985.

Conditions

(2) The entitlement under subsection (1) is subject to,

- (a) the separate school board electing by by-law to perform the duties of a secondary school board;
- (b) the approval of the Minister; and
- (c) subsections 136e (2) to (4).

By-law

(3) The separate school board shall forthwith after the coming into force of this Act pass the by-law and transmit to the Ministry a copy certified by the secretary of the board.

Application  
of s. 136a  
(3, 5)

(4) Subsections 136a (3) (approval) and (5) (notice) apply with necessary modifications in respect of an election under this section to perform the duties of a secondary school board.

Application  
of  
s. 136b (2)

(5) Subsection 136b (2) (election after 30th day of June) does not apply in respect of a by-law under this section.

Secondary  
school grades

**136g.**—(1) For the first school year in respect of which an election is effective, the entitlement of a Roman Catholic school board under section 136e applies in respect of the secondary school grade or grades, not exceeding grades nine and ten, in which the board is providing instruction in the immediately preceding school year and in respect of the next higher grade.

Grades nine  
and ten

(2) The entitlement of a Roman Catholic school board under section 136e applies in respect of grade nine or grade ten, or both, provided for the first time in the first school year in respect of which the election of the Roman Catholic school board is effective.

Additional  
grades

(3) For each subsequent school year, the board's entitlement under section 136e applies in respect of the same secondary school grades as in the previous school year and in respect of the next higher grade until the entitlement applies in respect of all secondary school grades.

French  
language  
schools

**136h.**—(1) A Roman Catholic school board is entitled to share in the legislative grants as provided in section 136e in respect of a secondary school established and operated under



Part XI by a public board and transferred to and operated by the Roman Catholic school board.

(2) The entitlement under subsection (1) is in addition to the entitlement under section 136g (secondary school grades). Entitlement

**136i.**—(1) No member shall be elected by separate school electors to a public board that has the same or part of the same area of jurisdiction as a Roman Catholic school board. Membership on public board

(2) Subsection (1) applies in respect of the regular election under the *Municipal Elections Act* in the year 1988 and to elections held under that Act after the year 1988. Application R.S.O. 1980, c. 308

(3) A member of a public board mentioned in subsection (1) elected by separate school electors ceases to be eligible to be a member of the public board at the end of the first calendar year in which the Roman Catholic school board performs the duties of a secondary school board in accordance with an election under section 136a. Elected member

**136j.**—(1) Every separate school supporter paying rates on property in the area of jurisdiction of a Roman Catholic school board is exempt from the payment of all rates imposed for secondary school purposes of a public board to the same extent that the person is exempt from payment of rates imposed for public elementary school purposes. Payment of public secondary school rates

(2) The exemption under subsection (1) commences in respect of the year following the year in which the election of the Roman Catholic school board becomes effective under section 136b. Application of subs. (1)

(3) Subsections (1) and (2) apply on and after the 1st day of January in the year next following the year in which this section comes into force. Application

**136k.**—(1) The provisions of this Part that apply to the preparation and adoption of estimates and the levying and collection of rates or taxes for separate school purposes apply with necessary modifications for secondary school purposes in respect of a Roman Catholic school board. Estimates and rates for separate secondary school purposes

(2) Every Roman Catholic school board shall continue to prepare and adopt the estimates required of it for elementary school purposes and must prepare and adopt estimates for secondary school purposes in the same manner as is required of a public board. Elementary and secondary estimates



## Application

(3) Subsections (1) and (2) apply on and after the 1st day of January in the year next following the year in which this section comes into force.

## Teaching and other staffs

**1361.**—(1) A public board that operates a school in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board shall designate, in accordance with the guidelines issued by the Planning and Implementation Commission, the persons on its supervisory officers staff, teaching staff and other staffs whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.

## Yearly designations

(2) The public board shall make the designations in each of the first ten school years during which the Roman Catholic school board elects to perform the duties of a secondary school board but not later than the date for each year fixed by the Planning and Implementation Commission.

## Positions on staff of Roman Catholic school board

(3) The Roman Catholic school board shall fill positions,

- (a) on its teaching staff, by offering employment to designated persons employed by the public board whose qualifications recorded by the Ministry meet the qualifications required for the positions; and
- (b) on its supervisory officers staff and other staffs, by offering employment to designated persons employed by the public board in substantially similar positions.

## Hiring other persons

(4) The Roman Catholic school board may hire another person to fill a position,

- (a) on its supervisory officers staff or teaching staff, only if no designated person employed by the public board whose qualifications recorded by the Ministry meet the qualifications required for the position accepts the offer of employment or if there is no such designated person; or
- (b) on its other staffs, only if no designated person in a substantially similar position accepts the offer of employment or if there is no such designated person.

## Application of subss. (3, 4)

(5) Subsections (3) and (4) apply in respect of the first ten school years in respect of which the Roman Catholic school

board elects to perform the duties of a secondary school board.

(6) Each public board that designates persons under this section shall transmit to the Planning and Implementation Commission in each year but not later than the date for each year fixed by the Commission, a list of the names and positions of designated persons employed by the public board who have not been employed by a Roman Catholic school board.

Transmittal  
of lists

(7) The Commission shall transmit the lists of names of designated persons and positions to all boards each year that it receives the lists.

Idem

(8) The public board shall not terminate the employment of a person designated under subsection (1) solely for the reason set out in that subsection until such time as the person is employed by the Roman Catholic school board.

Employment  
by public  
board

(9) Subsection (8) does not apply in respect of a designated person,

Application  
of subs. (8)

(a) on the teaching staff of the public board, who refuses an offer of employment by the Roman Catholic school board in a position for which the designated person's qualifications recorded by the Ministry are required; or

(b) on the supervisory officers staff or other staff of the public board, who refuses an offer of employment by the Roman Catholic school board in a position substantially similar to the position in which the person is employed by the public board on the date of designation.

(10) A designated person employed by the Roman Catholic school board has the right to an annual rate of salary of not less than the annual rate of salary that would have applied to the person if the person had continued in the employ of the public board in the first year that the person is employed by the Roman Catholic school board.

Salary  
right

(11) A designated person employed by the Roman Catholic school board has the right to commence the employment with seniority and with probationary or permanent status with the Roman Catholic school board equal to the seniority and the probationary or permanent status the designated person would have had if the designated person had continued to be employed by the public board.

Seniority  
and employ-  
ment status

Transfer of  
sick leave  
credits

(12) A designated person employed by a Roman Catholic school board is entitled to transfer to the plan maintained by that board sick leave credits standing to the person's credit with the public board that designated the person.

Limitation

(13) The amount of credits transferred shall not exceed the cumulative amount of sick leave credits permitted under the plan maintained by the Roman Catholic school board.

Account for  
remainder

(14) The balance of the person's sick leave credits shall be placed to the credit of the person in an account that shall be maintained by the public board.

Use of  
remainder

(15) The designated person may use the sick leave credits in the account while employed by the Roman Catholic school board by written designation which shall be transmitted by the Roman Catholic school board to the public board but the Roman Catholic school board shall pay the salary represented by the credits that are used, and the number of credits in the account shall be reduced by the number of credits used.

Payment on  
retirement

(16) Upon retirement from employment, the person is entitled to payment by the public board for such credits at the rate of one day's wages for each remaining credit at the rate received by the person immediately before retirement, but the person is not entitled to more than an amount equal to the person's wages for one-half the number of days remaining to the person's credit in the account and the person is not entitled to an amount equal to more than one-half year's earnings after including the amount to which the person is entitled under the sick leave plan maintained by the Roman Catholic school board.

Application  
of subss.  
(12-16)

(17) Subsections (12) to (16) apply only where the Roman Catholic school board has the same or part of the same area of jurisdiction as the public board.

Exception

(18) Subsections (12) to (17) do not apply where the public board and the Roman Catholic school board have entered into an agreement that provides for the payment for or transfer of the excess sick leave credits mentioned in those subsections.

Discrimi-  
nation

(19) The Roman Catholic school board shall not discriminate on the basis of creed with respect to employment against any person designated by the public board.

Application  
of subss. (19)

(20) Subsection (19) applies in respect of employment to fill a position and in respect of employment and advancement in employment while in a position.



(21) Subsections (1) to (20) apply despite section 23 of the *Human Rights Code, 1981*. Application of 1981, c. 53

**136m.**—(1) A dispute in respect of the designation of or the failure to designate a person on the teaching or other staffs of a public board or in respect of the employment of a person designated by a public board may be resolved by a grievance arbitration in accordance with this section. Staff dispute resolution

(2) Either party to the dispute may notify the other party in writing of intention to submit the dispute to arbitration. Notice to arbitrate

(3) The notice shall contain the name of the first party's appointee to an arbitration board. Name of appointee

(4) The second party shall, within five days after receiving the notice, notify the first party either that the second party accepts the appointee as a single arbitrator or notify the first party of the name of the second party's appointee to the arbitration board. Response

(5) The two appointees shall, within five days after the appointment of the second of them, appoint a third person who shall be the chairman of the arbitration board. Chairman

(6) If the second party fails to give notice accepting a single arbitrator or appointing a second arbitrator, or if the two appointees fail to appoint a chairman, the appointment shall be made by the Education Relations Commission upon the request of either party to the dispute. Failure to act

(7) The single arbitrator or the arbitration board, as the case may be, shall hear the parties and issue a decision. Hearing

(8) The decision of a majority is the decision of the arbitration board, but if there is no majority, the decision of the chairman is the decision of the arbitration board. Majority

(9) The decision is final and binding upon the parties to the dispute. Decision is final

(10) A party to an arbitration proceeding shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(11) A single arbitrator or a member of an arbitration board shall not have taken part before the hearing in an investigation or consideration of the subject-matter of the hearing. Prior knowledge



Notice of  
communication

(12) A single arbitrator or a member of an arbitration board shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or party or the representative of a party except upon notice to and opportunity for all parties to participate.

Participation  
in decision

(13) No member of an arbitration board shall participate in a decision of the board unless the member was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, a decision of the board shall not be given unless all members so present participate in the decision.

Release of  
documentary  
evidence

(14) Documents and things put in evidence at an arbitration hearing shall, upon the request of the person who produced them, be released to the person by the board within a reasonable time after the matter in issue has been finally determined.

Collective  
agreement

(15) If there is a collective agreement between the parties to the dispute and the collective agreement does not provide for arbitration of such a dispute, the collective agreement shall be deemed to include subsections (1) to (14).

Pupils in  
public  
secondary  
schools

**136n.**—(1) A pupil in a public secondary school is entitled to continue to be a pupil in the public secondary school despite the fact that the pupil or the parent or other person who has lawful custody of the pupil becomes exempt from payment of rates imposed for public secondary school purposes by reason of an election made under section 136a by a Roman Catholic school board.

## Fees

(2) The Roman Catholic school board shall pay to the board that operates the public secondary school the fees calculated in accordance with the regulations to which the board is entitled for providing secondary school education to the pupil.

Right of  
pupil  
to attend  
separate  
secondary  
school

**136o.**—(1) A person who is qualified to be a pupil in a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board if,

- (a) the public secondary school is in the area of jurisdiction of the Roman Catholic school board; and
- (b) the director of education or, if there is no director of education, the appropriate supervisory officer of the Roman Catholic school board certifies that there is accommodation available for the person in

the secondary school operated by the Roman Catholic school board.

(2) A person who is qualified to be a pupil in a secondary school operated by a Roman Catholic school board is entitled to be a pupil in a secondary school operated by a public board if, Idem

- (a) the Roman Catholic secondary school is in the area of jurisdiction of the public board; and
- (b) the director of education or, if there is no director of education, the appropriate supervisory officer of the public board certifies that there is accommodation available for the person in the secondary school operated by the public board.

(3) The public board shall pay the fee to which the Roman Catholic school board is entitled for providing secondary school education under subsection (1), and the Roman Catholic school board shall pay the fee to which the public board is entitled for providing secondary school education under subsection (2). Fee

(4) The fee to which a board is entitled under this section is the lesser of the fee set by the board or the fee calculated in accordance with the regulations. Amount

(5) When the director of education or the appropriate supervisory officer, as the case requires, is of the opinion that accommodation is not available for the person in the secondary school, the director or supervisory officer shall give written notice thereof to the person or, if the person is a minor, to the parent or other person who has lawful custody of the person. Notice re accommodation

(6) Upon written application, together with written reasons supporting the application, a Roman Catholic school board shall exempt a pupil who is not a Roman Catholic from programs and courses of study in religious education if, Exemption from religious studies

- (a) the pupil is enrolled in a program that is not otherwise available to the pupil in a secondary school operated by a public board within the area of jurisdiction of the Roman Catholic school board; or
- (b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multi-handicap for the pupil to attend a secondary school operated by a public board.

Idem

(7) A Roman Catholic school board may exempt from programs and courses of study in religious education any other pupil who is not a Roman Catholic.

Notice re  
exemption

(8) Where a Roman Catholic school board refuses a request for an exemption under subsection (6), the director of education or, if there is no director of education, the appropriate supervisory officer of the board shall give written notice of the refusal, together with written reasons, to the pupil or, if the pupil is a minor, to the parent or other person who has lawful custody of the pupil.

Notice  
requiring  
hearing

(9) The person requesting admission under subsection (1) or (2) or the pupil requesting an exemption, or the parent or other person who has lawful custody of the person or pupil may, by written notice served upon the director or supervisory officer and upon the Planning and Implementation Commission within fifteen days after service of the notice of the director or supervisory officer, require a hearing by the Planning and Implementation Commission.

Hearing

(10) The Planning and Implementation Commission shall appoint a time and place for a hearing and shall give notice thereof to the parties.

Parties

(11) The parties to the hearing are the director of education or the supervisory officer, as the case requires, and the pupil or other person who required the hearing.

Decision

(12) The Planning and Implementation Commission shall hear and decide the matter in issue and shall transmit a copy of its decision to each of the parties to the hearing.

Admission

(13) Where the decision of the Planning and Implementation Commission is that the person is entitled to be admitted as a pupil under subsection (1) or (2), the Roman Catholic school board or the public board, as the case requires, shall admit the person as a pupil in the secondary school.

Exemption

(14) Where the decision of the Planning and Implementation Commission is that the Roman Catholic school board is required to exempt the pupil under subsection (6) from programs and courses of study in religious education, the Roman Catholic school board shall grant the exemption to the pupil.

Application  
of 1981,  
c. 53

(15) Subsections (1) to (14) apply despite section 18 of the *Human Rights Code, 1981*.



**136p.** Other provisions of this Act shall be construed with necessary modifications in order to give effect to and be consistent with sections 136a to 136y. Interpretation

**136q.** A right or duty under sections 136a to 136y may be enforced by order of the Divisional Court upon application to the court. Enforcement

### *Planning and Implementation Commission*

**136r.**—(1) The Planning and Implementation Commission established under clause 9 (a) is continued and shall be composed of not more than eight members appointed by the Lieutenant Governor in Council. Commission continued

(2) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman from among the members of the Commission. Chairman and vice-chairman

(3) The members of the Commission shall be appointed for such terms as may be determined by the Lieutenant Governor in Council and may be reappointed for further terms. Term of office

(4) If the chairman is absent or unable to act or if there is a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman. Authority of vice-chairman

(5) The members of the Commission shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. Remuneration and expenses

(6) A majority of the members of the Commission, including the chairman or vice-chairman, constitutes a quorum. Quorum

(7) Three members of the Commission constitute a quorum for the purposes of a proceeding before the Commission in respect of accommodation in a secondary school operated by a Roman Catholic school board or in respect of exemption from programs and courses of study in religious education, and decisions in such proceedings require the vote of a majority of the members of the Commission present at the hearing in the proceeding. Quorum for specific proceedings

(8) The Commission may sit in panels and the panels may sit at the same time for the purposes of such proceedings. Panels

(9) The chairman shall assign the members of the Commission to its panels and may change an assignment at any time. Assignment



Staff and  
accommo-  
dation

(10) The Ministry shall provide the Commission with such staff and accommodation as the Minister considers necessary for the purposes of the Commission.

Advice to  
Minister

**136s.**—(1) The Planning and Implementation Commission shall advise the Minister in respect of specific means by which the extension of the Roman Catholic school system to include secondary school education may best be carried out.

Reports

(2) The Commission may report to the Minister at any time and shall report to the Minister in such form and manner, with such information and at such times as the Minister requires.

Consultation

(3) For the purpose of preparing its advice and reports to the Minister, the Commission shall consult with organizations that have a direct interest in the subject-matter of the particular advice and report, organizations and persons that the Commission considers it appropriate to consult and organizations and persons specified by the Minister.

Matters  
to be  
considered by  
Commission

(4) For the purpose of preparing its advice and reports to the Minister, the Commission shall establish criteria in respect of and, in accordance with the criteria, shall evaluate,

- (a) plans formulated by Roman Catholic school boards to provide secondary school education;
- (b) plans formulated by public boards in relation to the extension of the Roman Catholic school system to include secondary school education;
- (c) plans for new or altered areas of jurisdiction of Roman Catholic school boards in relation to separate secondary schools;
- (d) the effect on the employment of supervisory officers, teachers and other persons employed in secondary schools consequent upon the extension of the Roman Catholic school system and the plans formulated by Roman Catholic school boards and public boards in relation to the employment of such persons; and
- (e) any other subject specified by the Minister.

Guidelines

(5) The Commission shall prepare and issue guidelines that shall govern the designation by public boards of persons on supervisory officers staffs, teaching staffs and other staffs whose services will not be required by the public boards con-

sequent upon the election of Roman Catholic school boards to perform the duties of secondary school boards.

(6) A guideline issued by the Commission is not a regulation within the meaning of the *Regulations Act*.

Application  
of R.S.O.  
1980,  
c. 446

**136t.**—(1) The Planning and Implementation Commission may require a Roman Catholic school board to formulate and file with the Commission each year an implementation plan setting out details of education programs, facilities, and supervisory officers, teaching staff and other staff required by the board for the purpose of providing the secondary school education until the Roman Catholic school board has filed implementation plans in respect of all secondary school grades.

Implement-  
ation  
plans

(2) The Commission may require a public board that is affected or that is likely to be affected by the provision of secondary school education by a Roman Catholic school board to formulate and file with the Commission a plan setting out details of changes in education programs, facilities and supervisory officers, teaching staff and other staff that will be or that are likely to be necessary in response to the provision of secondary school education by the Roman Catholic school board.

Public  
board

(3) The Commission may specify the format to be used in plans to be filed by Roman Catholic school boards and public boards and may specify time limits for the filing of plans requested by the Commission.

Format

(4) Every Roman Catholic school board and every public board shall comply with a request by the Commission for the formulation and filing of a plan under subsections (1) to (3).

Compliance

**136u.**—(1) For the purpose of ensuring that it receives adequate information, the Planning and Implementation Commission may hold public meetings in respect of the provision of secondary school education by individual Roman Catholic school boards.

Public  
meetings

(2) Where the Commission decides to hold a meeting mentioned in subsection (1), the Commission shall give notice of the meeting to the organizations it is required to consult, to such other persons or organizations as the Commission specifies and shall give public notice of the meeting.

Notice

**136v.**—(1) Where the Planning and Implementation Commission is of the opinion that the implementation plans of a Roman Catholic school board and a public board do not together provide a method that meets the criteria set out in

Negotiations



subsection (2), the Commission shall so notify the boards and shall specify for the boards the matters that must be resolved in order to meet the criteria.

Criteria

(2) The criteria are that the method must permit the Roman Catholic school board to provide secondary school education and that the method must promote the best interests of public education in Ontario.

Good faith

(3) Upon receipt of the notice, the boards shall negotiate in good faith in respect of the matters specified by the Commission in order to meet the criteria set out in subsection (2).

Assistance by  
Commission

**136w.**—(1) A public board or a Roman Catholic school board, or the Minister, may request the Planning and Implementation Commission to arrange or assist in, or both, negotiations between the two boards respecting the transfer of the use or ownership of real or personal property and the transfer of persons on the teaching and other staffs for secondary school purposes.

Mediation

(2) Where the Commission is requested to arrange or assist in, or both, negotiations, the Commission shall inform the Minister and the parties to the negotiations of the request and the Commission shall confer with and mediate between the parties in order to bring about an agreement between the parties and shall report to the parties and to the Minister on the progress of the negotiations.

Fact  
finding

(3) Where the Commission is requested to act as a fact finder, the Commission shall inform the Minister and the parties of the request and the Commission shall confer with the parties, inquire into the subject-matter of the negotiations and into any other matter that the Commission considers relevant to the subject-matter and shall report to the parties and to the Minister the findings of the Commission.

Procedures

(4) The Commission may establish its own procedures when assisting in negotiations or acting as a fact finder but the Minister may establish guidelines that shall govern such procedures.

Staff of  
Commission

(5) The duties of the Commission under subsections (1) to (4) shall be performed by the staff of the Commission.

Duty of  
parties

(6) The parties to negotiations shall co-operate with the Commission and shall provide such information as is requested by the Commission when the Commission is assisting in negotiations or acting as a fact finder.

**136x.**—(1) A dispute in respect of a matter that may be negotiated between a public board and a Roman Catholic school board may be resolved by an order of the Planning and Implementation Commission upon application by either of the boards.

Resolution of  
dispute  
between  
boards

(2) Upon receipt of an application, the Commission shall appoint a tribunal composed of not more than three persons who shall hold a hearing in respect of and decide upon the subject-matter of the dispute.

Hearing

(3) The tribunal shall appoint a time and place for a hearing and shall give notice thereof to the parties.

Notice

(4) The parties to the hearing are the public board and the Roman Catholic school board.

Parties

(5) No person is eligible to be a member of a tribunal who is or has been a member of a board that is a party to the dispute or who is acting or has, within a period of six months preceding the date of appointment of the hearing officer, acted as solicitor, counsel or agent of either of the parties.

Eligibility

(6) In deciding the matter, the tribunal shall endeavour to permit the Roman Catholic school board to provide secondary education and to promote the best interests of public education in Ontario.

Criteria

(7) The tribunal shall include with the report the record of the proceeding.

Record

(8) The tribunal, in its decision, may provide for,

Decision

- (a) the transfer of the use of real property or personal property, or both, from the public board to the Roman Catholic school board;
- (b) the transfer of the ownership of real property or personal property, or both, from the public board to the Roman Catholic school board;
- (c) procedures that shall be followed in the reduction of the number of supervisory officers, the reduction of teaching staff and the reduction of other staffs by the public board and in the employment of supervisory officers, teachers and other staff by the Roman Catholic school board,

or any combination of them.



## Order

(9) The tribunal shall transmit its decision in writing, together with written reasons and the record of the proceeding to the Commission, and the Commission shall issue and transmit to the parties an order in the terms of the decision.

## Retransfer

(10) Real property ordered transferred under this section is not subject to expropriation by the public board, but upon application, the Minister, with the approval of the Lieutenant Governor in Council, may order the retransfer, subject to the conditions specified in the order, to the public board of the use or ownership of real property or personal property, or both, that was transferred in accordance with an order of the Commission.

Application  
of  
R.S.O. 1980,  
c. 148

(11) The *Expropriations Act* does not apply in respect of the transfer or retransfer of real property or personal property in accordance with an order under this section.

Enforcement  
of order

(12) The Commission or Minister, as the case requires, shall cause a copy of an order made under this section to be filed in the office of the Registrar of the Supreme Court, exclusive of the reasons therefor, and the order shall be entered in the same way as a judgment of the Supreme Court and is enforceable as such.

L.G. in C.  
may confirm,  
vary or  
rescind  
decision  
or order

(13) Upon the petition of any party to a proceeding under this section, filed with the Clerk of the Executive Council within twenty-eight days after the date of the decision or order of the Commission, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of the decision or order; or
- (b) require the Commission to appoint a new tribunal to hold a new hearing of the whole or any part of the matter upon which the decision or order of the Commission was based.

No further  
petition

(14) The decision and order of the Commission after a new hearing ordered by the Lieutenant Governor in Council are not subject to petition under this section.

Filing of  
documents  
on petition

(15) Upon the filing of a petition, the Commission shall transmit to the Clerk of the Executive Council the report and recommendations of the tribunal, the record of the proceeding and a copy of the decision and order of the Commission.

(16) The Lieutenant Governor in Council is not required to hold or to afford to any person an opportunity for a hearing before deciding upon a petition under this section.

Hearing by  
L.G. in C.

**136y.** The resolution of a matter between a public board and a Roman Catholic school board under sections 136a to 136x, except as specifically provided for in those sections, is a nullity if the result is inconsistent with any other Act, any other provision of this Act or a regulation under any Act.

Conflict

#### COMPLEMENTARY AMENDMENTS

**3.—(1)** Section 126 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 21 and amended by 1984, chapter 60, section 8, is further amended by adding thereto the following subsection:

(9) The assessment of a corporation for separate school purposes under subsections (1) to (8) in respect of a Roman Catholic school board applies in the same manner in relation to secondary school purposes as to elementary school purposes.

Secondary  
school  
purposes

**(2)** Section 259 of the said Act is amended by adding thereto the following subsections:

(2) A French-language advisory committee established by a Roman Catholic school board before or after the board makes an election under section 136a has the same duties in respect of the French-language schools or classes in the secondary schools operated by the board as the committee has in respect of the elementary schools operated by the board.

Secondary  
school

(3) Subsection (1) applies with necessary modifications in respect of an English-language advisory committee established by a Roman Catholic school board.

Idem

**(3)** The said Act is further amended by adding thereto the following sections:

**277t.—(1)** A person who is a separate school elector in respect of a separate school board that has elected to perform the duties of a secondary school board is not eligible for election to a board of education that has the same or part of the same area of jurisdiction as the separate school board.

Membership  
on public  
board

(2) Subsection (1) applies in respect of the regular election under the *Municipal Elections Act* in the year 1988 and to elections held under that Act after the year 1988.

Application  
R.S.O. 1980,  
c. 308

Elected  
member

(3) Subsection (1) does not disqualify a person from completing a term of office to which the person is elected as an additional member before the separate school board elects to perform the duties of a secondary school board.

Transfer  
of Part XI  
secondary  
school

**277u.**—(1) Where a secondary school operated under Part XI is transferred to a separate school board and additional members are no longer required on the board from which the school is transferred, the additional members of the board of education from which the secondary school is transferred cease to be members of the board and become members of the French-language advisory committee of the board of education until the next regular election.

Additional  
members of  
separate  
school board

(2) The separate school board shall appoint to the separate school board such number of additional members as the Minister specifies, and the additional members shall hold office until the next regular election.

Application  
of 1977,  
c. 5, s. 5

**4.** Section 5 of *The Essex County French-language Secondary School Act, 1977*, being chapter 5, shall not be construed to prevent the conveyance of the School mentioned in the said Act to a Roman Catholic school board.

Repeal

**5.** Sections 136r to 136x of the *Education Act*, as enacted by section 2 of this Act, are repealed on the 1st day of July, 1995.

Commence-  
ment

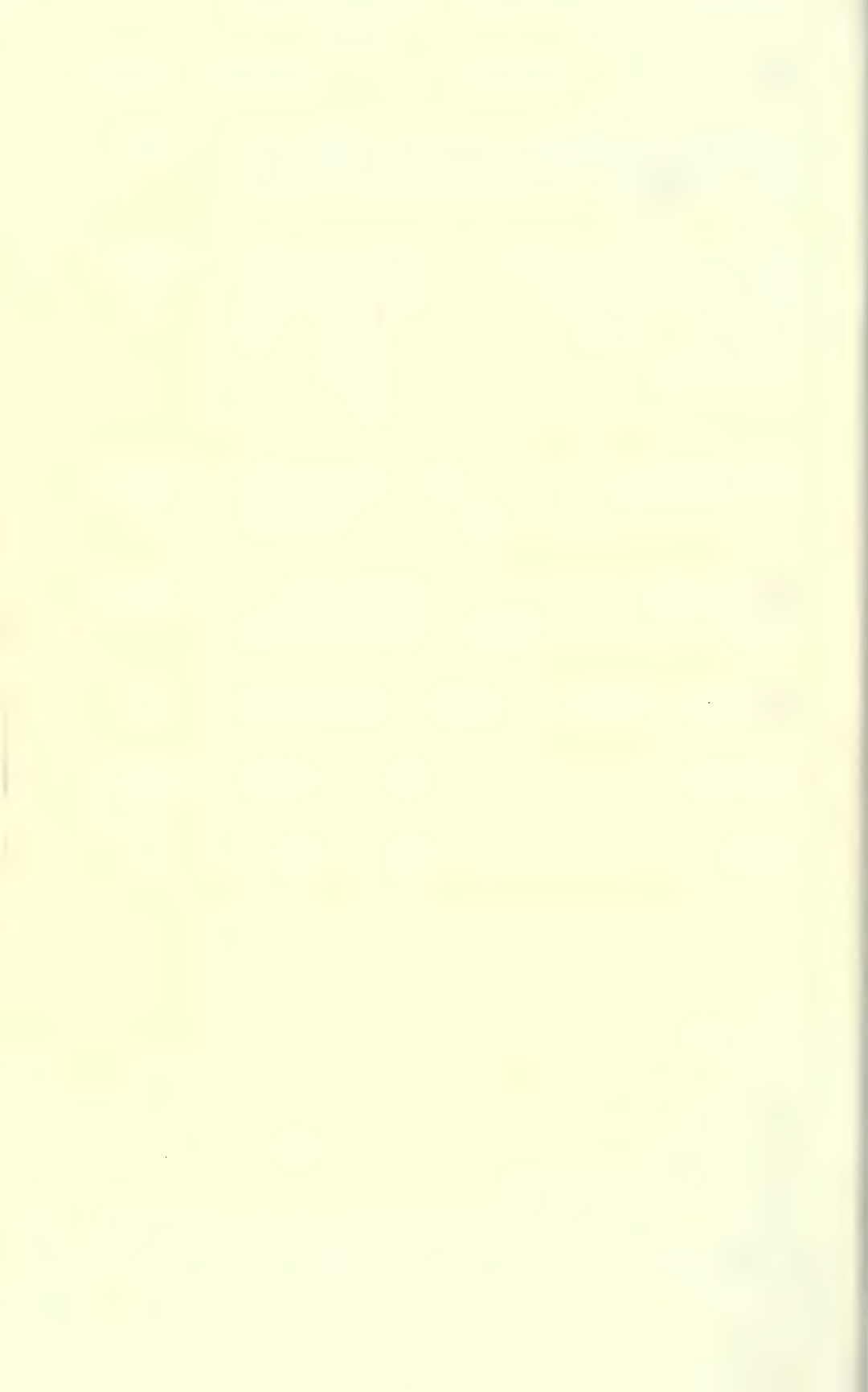
**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** The short title of this Act is the *Education Amendment Act, 1986*.







# Bill 30

## **An Act to amend the Education Act**

**The Hon. S. Conway**  
*Minister of Education*

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*1st Reading*      April 22nd, 1986

*2nd Reading*      April 22nd, 1986

*3rd Reading*

*Royal Assent*

*(Reprinted as amended by the Social Development Committee)*

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## EXPLANATORY NOTES

The Bill relates to the provision of secondary school education by separate school boards.

The Bill deals with:

1. Election by a separate school board to perform the duties of a secondary school board.
2. Entitlement to share in legislative grants.
3. Powers and duties in respect of secondary school grades.
4. Phasing in of secondary school grades.
5. Separate school electors on public boards.
6. Exemption of separate school electors from payment of rates for public secondary school purposes.
7. Estimates and rates for separate secondary school purposes.
8. Transfer of employment of teachers and other staff.
9. Entitlement to continue as a pupil in a public secondary school.
10. Entitlement to be a pupil in a secondary school.
11. Continuation and functions of the Planning and Implementation Commission.
12. Transfers of use or ownership of real and personal property between public boards and Roman Catholic school boards.

Bill 30

1986

## An Act to amend the Education Act

Whereas section 93 of the *Constitution Act, 1867* embodies one of the essential conditions which facilitated the creation of a united Canada in 1867 by guaranteeing to Roman Catholics in Ontario certain rights and privileges with respect to denominational schools; and whereas the Roman Catholic separate schools have become a significant part of the school system in Ontario; and whereas it has been public policy in Ontario since 1899 to provide for public funds to support education in the Roman Catholic separate schools to the end of Grade 10; and whereas it is recognized that today a basic education requires a secondary as well as an elementary education; and whereas it is just and proper and in accordance with the spirit of the guarantees given in 1867 to bring the provisions of the law respecting Roman Catholic separate schools into harmony with the provisions of the law respecting public elementary and secondary schools, by providing legislative recognition of and funding for secondary education by Roman Catholic separate schools; and whereas the foregoing facts were affirmed by the Premier of Ontario in his statement to the Legislative Assembly on the 12th day of June, 1984;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 17, 1982, chapter 20, section 2, 1982, chapter 32, section 1 and 1984, chapter 60, section 1, is further amended by adding thereto the following paragraphs:

35a. "Planning and Implementation Commission" means the Planning and Implementation Commission continued under section 136r;



42a. "public board" means a board of education or a secondary school board established under section 69;

. . . . .

46a. "Roman Catholic school board" means a separate school board that has made an election under section 136a or 136f that has been approved by the Minister;

. . . . .

48a. "salary" means all payments and benefits paid or provided to or for the benefit of a person who is designated under section 136l;

. . . . .

59a. "separate school board" means a board that operates a separate school for Roman Catholics;

. . . . .

65a. "support staff" means staff other than supervisory officer staff or teaching staff.

**2. The said Act is amended by adding thereto the following sections:**

*Secondary School Education*

Election re  
secondary  
school

**136a.**—(1) A separate school board may elect to perform the duties of a secondary school board for the area of jurisdiction of the board.

By-law

(2) An election under subsection (1) shall be by-law approved by the Minister.

Approval

(3) The Minister may approve a by-law under subsection (2) upon receiving the advice of the Planning and Implementation Commission that the Commission is of the opinion that the first annual implementation plan formulated by the separate school board for the purpose of providing secondary school education and filed with the Commission will permit the separate school board to provide secondary school education and will promote the best interests of public education in Ontario.

(4) The secretary of a separate school board that makes an election under subsection (1) shall forthwith transmit to the Ministry a copy of the by-law certified by the secretary. Transmittal

(5) Upon approval of a by-law by the Minister, the Ministry shall transmit notice of the approval to the board that passed the by-law and shall transmit a copy of the by-law and notice of approval, Notice

(a) to the Planning and Implementation Commission;

(b) to the secretary of every board of education that has jurisdiction in the same area as the separate school board;

(c) to the clerk of every municipality all or part of which is within the area of jurisdiction of the separate school board; and

(d) to the appropriate assessment commissioner.

**136b.**—(1) An election under section 136a is effective on the first day of the school year specified in the by-law approved by the Minister. Effective date

(2) A by-law approved by the Minister after the 30th day of June in a year shall not take effect before the school year that commences in the next following year. Election after 30th day of June

**136c.** A Roman Catholic school board has all the powers and shall perform all the duties that are conferred or imposed by this Act on a secondary school board in respect of the secondary school grades for which the Roman Catholic school board is entitled to share in the legislative grants. Powers and duties of Roman Catholic school board

**136d.**—(1) A Roman Catholic school board and a public board may enter into an agreement to provide secondary school instruction of pupils of the one board in a school or schools operated by the other board, upon payment of fees by the board requesting the instruction to the board that provides the instruction. Agreement for education at other school

(2) The fees for the provision of the instruction shall be calculated in accordance with the regulations. Calculation of fees

**136e.**—(1) A Roman Catholic school board is entitled to share in the legislative grants for secondary school purposes. Legislative grants

- Conditions (2) The payment of legislative grants to a Roman Catholic school board is subject to the conditions prescribed by the regulations.
- Apportionment and distribution (3) The apportionment and distribution of legislative grants to a Roman Catholic school board is subject to the regulations.
- Compliance (4) The payment and apportionment of legislative grants to a Roman Catholic school board is subject to compliance by the Roman Catholic school board with sections 136a to 136y.
- Transitional **136f.**—(1) Where, before the coming into force of this Act, the Planning and Implementation Commission has reported to the Minister upon the implementation plan of a separate school board and has advised the Minister that the plan is appropriate for funding for the school year commencing in 1985, the separate school board is entitled to share in the legislative grants for secondary school purposes as of the first day of the school year commencing in 1985.
- Conditions (2) The entitlement under subsection (1) is subject to,
- (a) the separate school board electing by by-law to perform the duties of a secondary school board;
  - (b) the approval of the Minister; and
  - (c) subsections 136e (2) to (4).
- By-law (3) The separate school board shall forthwith after the coming into force of this section pass the by-law and transmit to the Ministry a copy certified by the secretary of the board.
- Application of s. 136a (3, 5) (4) Subsections 136a (3) (approval) and (5) (notice) apply with necessary modifications in respect of an election under this section to perform the duties of a secondary school board.
- Application of s. 136b (2) (5) Subsection 136b (2) (election after 30th day of June) does not apply in respect of a by-law under this section.
- Deemed designated persons (6) Section 136l applies with necessary modifications in respect of the entitlements of persons designated by a public board and employed by the separate school board after the Commission has reported to the Minister under subsection (1) but before the coming into force of this section.
- Secondary school grades **136g.**—(1) For the first school year in respect of which an election is effective, the entitlement of a Roman Catholic school board under section 136e applies in respect of the sec-



ondary school grade or grades, not exceeding grades nine and ten, in which the board is providing instruction in the immediately preceding school year and in respect of the next higher grade.

(2) The entitlement of a Roman Catholic school board under section 136e applies in respect of grade nine or grade ten, or both, provided for the first time in the first school year in respect of which the election of the Roman Catholic school board is effective. Grades nine and ten

(3) For each subsequent school year, the board's entitlement under section 136e applies in respect of the same secondary school grades as in the previous school year and in respect of the next higher grade until the entitlement applies in respect of all secondary school grades. Additional grades

**136h.**—(1) A Roman Catholic school board is entitled to share in the legislative grants as provided in section 136e in respect of a secondary school established and operated under Part XI by a public board and transferred to and operated by the Roman Catholic school board. French language schools

(2) The entitlement under subsection (1) is in addition to the entitlement under section 136g (secondary school grades). Entitlement

**136i.**—(1) No member shall be elected by separate school electors to a public board that has the same or part of the same area of jurisdiction as a Roman Catholic school board. Membership on public board

(2) Subsection (1) applies in respect of the regular election under the *Municipal Elections Act* in the year 1988 and to elections held under that Act after the year 1988. Application  
R.S.O. 1980,  
c. 308

(3) After the end of the first calendar year in which a Roman Catholic school board performs the duties of a secondary school board in accordance with an election under section 136a or 136f, no member elected by separate school electors and no separate school supporter or separate school elector is eligible to be a member of a public board that has the same or part of the same area of jurisdiction as the Roman Catholic school board. Eligibility of separate school elector

**136j.**—(1) Every separate school supporter paying rates on property in the area of jurisdiction of a Roman Catholic school board is exempt from the payment of all rates imposed for secondary school purposes of a public board to the same extent that the person is exempt from payment of rates imposed for public elementary school purposes. Payment of public secondary school rates



Application  
of subs. (1)

(2) The exemption under subsection (1) commences in respect of the year following the year in which the election of the Roman Catholic school board becomes effective under section 136b.

Application

(3) Subsections (1) and (2) apply on and after the 1st day of January in the year next following the year in which this section comes into force.

Estimates  
and rates  
for separate  
secondary  
school  
purposes

**136k.**—(1) The provisions of this Part that apply to the preparation and adoption of estimates and the levying and collection of rates or taxes for separate school purposes apply with necessary modifications for secondary school purposes in respect of a Roman Catholic school board.

Elementary  
and  
secondary  
estimates

(2) Every Roman Catholic school board shall continue to prepare and adopt the estimates required of it for elementary school purposes and must prepare and adopt estimates for secondary school purposes in the same manner as is required of a public board.

Application

(3) Subsections (1) and (2) apply on and after the 1st day of January in the year next following the year in which this section comes into force.

Mandatory  
joint  
committees

➡  
**136ka.**—(1) If the area of jurisdiction of a public board is substantially the same as the area of jurisdiction of a Roman Catholic school board or if their common area of jurisdiction includes the whole of a municipality, the two boards shall establish a joint committee.

Multiple  
committees

(2) If a board is required under subsection (1) to establish more than one joint committee, the board shall ensure that at least one member of each such joint committee is a member of the other joint committee or committees.

Combined  
joint  
committee

(3) If a Roman Catholic school board is required to establish more than one joint committee and all of the public boards concerned agree, the boards concerned may establish a single combined joint committee instead of the joint committees required under subsection (1).

Composition

(4) Each joint committee and combined joint committee shall consist of such number of members as the boards concerned may agree upon and, if the boards are unable to agree, shall be composed of,

(a) three members of each public board concerned, appointed by their respective boards; and

- (b) three members of the Roman Catholic school board, appointed by that board.

(5) If a board that appoints members to a joint committee or a combined joint committee is required to have a French-language section or a French-language education council, at least one appointee of that board shall be a member of such section or council.

French-language representative

(6) Subsection (5) applies with necessary modifications if a board is required to have an English-language section or an English-language education council.

Idem

(7) Nothing in Part IX-A or IX-B applies so as to restrict the participation of a member of a joint committee or combined joint committee in any meeting of the committee or so as to prevent the member from voting on any matter at a meeting of the committee.

Idem

(8) A member of a joint committee or a combined joint committee shall hold office during the term of the members of his or her respective board and until a new board is organized and a successor is appointed or elected, as the case may be.

Term of office

(9) Subsection 74 (7) and subsections 75 (1), (2) and (3) apply with necessary modifications to a joint committee or combined joint committee.

Application of ss. 74 (7) and 75 (1-3)

(10) The boards concerned shall make available to the joint committee or combined joint committee such personnel and services as the boards consider necessary for the proper functioning of the joint committee or combined joint committee.

Personnel and services

(11) A joint committee or combined joint committee shall hold public meetings to report upon its work.

Public meetings

(12) A joint committee or combined joint committee is responsible for exploring opportunities for transferring facilities, leasing facilities or sharing services, facilities, resources and staff, and may make recommendations in respect of the implementation of programs for such purpose.

Recommendations

(13) A public board and a Roman Catholic school board shall consider any recommendation submitted to it in writing by a joint committee or combined joint committee and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by the board and any committee of the board to which such recommendation is referred.

Consideration of recommendations by boards

Reconsideration of recommendations

(14) If a recommendation requires the approval of two or more boards to be effective and one or more of the boards concerned rejects the recommendation, the board or boards that approved the recommendation may make representations to the board or boards that rejected the recommendation, in which case the board or boards that rejected the recommendation shall reconsider the recommendation and may approve or reject it.

Annual report

(15) Each joint committee and combined joint committee shall report annually upon its proceedings and the disposition of its recommendations to the public board, the Roman Catholic school board and to the Planning and Implementation Commission which shall review and comment upon the reports as part of its annual report to the Minister.

Teaching and other staffs

**1361.**—(1) A public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board shall designate, in accordance with the regulations or by agreement between the boards, the persons on its supervisory officers staff, elementary teaching staff, secondary teaching staff and support staff whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.

Contents of regulations and agreements

(2) The regulations or agreement referred to in subsection (1) shall provide for,

- (a) the exchange of enrolment and other data between the boards so as to enable the public board to make the calculations necessary to determine the designation referred to in subsection (1);
- (b) methods for encouraging voluntary transfers of public board teachers and supervisory officers to positions with the Roman Catholic school board and for treating a person so transferred as a designated person with all rights and entitlements provided by this Act; and
- (c) a right of first refusal, on the basis of seniority, for designated persons with respect to positions that become vacant in the public board.

Idem

(3) The regulations or agreement referred to in subsection (1) may contain provisions in addition to those required by subsection (2), including provisions related to the encouragement of the secondment and assignment of services of teach-



ers and supervisory officers of the public board to positions with the Roman Catholic school board.

(4) No agreement under subsection (1) renders inoperative any provision in a collective agreement unless the branch affiliate or affiliates concerned agree in writing to an amendment to the collective agreement.

Collective  
agreements

(5) In determining the designations referred to in subsection (1) and in implementing its employment policy thereafter, the public board shall endeavour to maintain and promote affirmative action with respect to the employment of women on its teaching staff.

Affirmative  
action

(6) The public board shall make the designations referred to in subsection (1) in each of the first ten school years during which the Roman Catholic school board performs the duties of a secondary school board but not later than the date prescribed by the regulations for each year.

Yearly  
designations

(7) The teaching contract, employment contract or employment relationship, as the case may be, of a person designated by a public board under subsection (1) is transferred to, and assumed by, the Roman Catholic school board referred to in subsection (1) effective the 1st day of September next following the date upon which the public board makes the designation or upon such earlier date as the boards concerned may agree upon.

Transfer of  
employment

(8) A Roman Catholic school board to which the teaching contract, employment contract or employment relationship of any person is transferred under subsection (7) shall employ the person in a position substantially similar to the position in which the person was employed by the public board immediately before the transfer.

Similar  
employment

(9) If the Roman Catholic school board has no position as provided in subsection (8) for the designated person on the appropriate staff of the board, the designated person is entitled to receive training assistance, as prescribed by the regulations, for an alternate position on the appropriate staff, and the Roman Catholic school board shall maintain the person in its employ, provide the assistance and offer to the person employment in a position appropriate to either his or her previous or newly acquired qualifications.

Training  
assistance

(10) If a designated person objects to the transfer of employment to the Roman Catholic school board for reasons of conscience, he or she may so advise the public board and, unless it is of the opinion that the objection is not made in

Objectors



good faith, the public board shall designate another person in place of the person making the objection.

Seniority

(11) Subject to any collective agreement in effect, the public board shall designate, on the basis of seniority, the persons on its support staff whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.

Transmittal  
of lists

(12) Each public board that designates persons under this section shall transmit to the Planning and Implementation Commission in each year but not later than the date for each year fixed by the Commission, a list of the names and positions of persons that it has designated.

Compensation  
rate

(13) A designated person employed by the Roman Catholic school board has the right to an annual rate of salary of not less than the annual rate of salary that would have applied to the person if the person had continued in the employ of the public board in the first year that the person is employed by the Roman Catholic school board but if the annual rate of salary of the position in which the person is employed by the Roman Catholic school board is lower than such first-mentioned annual rate of salary, the designated person is not entitled to any increase in annual rate of salary until the annual rate of salary of the position becomes equal to such first-mentioned annual rate of salary.

Seniority and  
employment  
status

(14) A designated person employed by the Roman Catholic school board has the right to commence the employment with seniority and with probationary or permanent status with the Roman Catholic school board equal to the seniority and the probationary or permanent status the designated person would have had if the designated person had continued to be employed by the public board.

Sick leave  
credits

(15) Sick leave credits standing to a designated person's credit with the public board shall be transferred to the plan maintained by the Roman Catholic school board at the time the person's employment is transferred under subsection (7).

Credit for  
total accumu-  
lation

(16) If the number of sick leave credits transferred exceeds the total number of sick leave credits that may be accumulated under the plan to which they are transferred, the designated person shall be given credit in the plan for the number transferred but is not entitled to accumulate further sick leave credits under the plan unless the plan is amended to permit a greater accumulation.

(17) Subject to subsection (16), a designated person employed by a Roman Catholic school board is entitled to accumulate and to use sick leave credits in accordance with the plan maintained by the Roman Catholic school board.

Accumulation  
and use of  
sick leave  
credits

(18) Upon termination of employment with the Roman Catholic school board, a designated person is entitled to payment of an amount calculated in accordance with,

Gratuity

- (a) the collective agreement that applied in respect of the designated person on the last date that the designated person was employed by the public board; or
- (b) the policy of the public board as of the last date that the designated person was employed by the public board,

as the case requires, as though the designated person had been in the continuous employ of the public board.

(19) In lieu of the payment under subsection (18), the designated person is entitled to require payment of an amount calculated in accordance with,

Idem

- (a) the collective agreement that applies in respect of the designated person on the last date that the designated person is employed by the Roman Catholic school board; or
- (b) the policy of the Roman Catholic school board as of the last date that the designated person is employed by the Roman Catholic school board,

as the case requires.

(20) The amount of the payment under subsection (18) or (19) shall be shared by the public board and Roman Catholic school board in the ratio that the number of years of service of the designated person with each board bears to the total number of years of service of the designated person with such boards.

Idem

(21) Section 4 of the *Human Rights Code, 1981* applies to designated persons employed by a Roman Catholic school board in respect of their employment, advancement and promotion by the Board, notwithstanding section 23 of the said Code.

Employment,  
advancement  
and  
promotion  
1981, c. 53

## Definition

(22) In this section, “seniority” means seniority as agreed upon between the public board that employed the designated person and the organization that entered into a collective agreement with the public board in respect of the designated person, or, where there is no collective agreement, in accordance with the policy of the public board.

## Deemed designated persons

(23) This section applies with necessary modifications in respect of entitlements of teachers who were employed by a public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board and who subsequent to a report to the Minister by the Commission under subsection 136f (1) but before the coming into force of this section accepted employment with the Roman Catholic school board.

## Hiring after ten-year period

**136la.**—(1) For the purpose of maintaining the distinctiveness of separate schools, the Roman Catholic school board may require as a condition of employment that teachers hired by the board after the ten school year period mentioned in subsection 136l (6) agree to respect the philosophy and traditions of Roman Catholic separate schools in the performance of their duties.

## Application of 1981, c. 53

(2) Subject to subsection (1), and despite section 23 of the *Human Rights Code, 1981*, section 4 of the said Code applies to ensure that such teachers employed by a Roman Catholic school board will enjoy equal opportunity in respect of their employment, advancement and promotion by the board.

## Repeal

(3) If it is finally determined by a court that subsection (1) or (2) prejudicially affects a right or privilege with respect to denominational schools guaranteed by the Constitution of Canada, subsections (1) and (2) are repealed, it being the intention of the Legislature that the remaining provisions of the Act are separate from and independent of the said subsections.


## Staff dispute resolution

**136m.**—(1) A dispute in respect of the designation of or the failure to designate a person on the teaching or other staffs of a public board or in respect of any matter arising under section 136l in the employment relationship between a designated person and a Roman Catholic school board may be resolved by a grievance arbitration in accordance with this section.

## Parties

(2) The parties to the arbitration are the public board or the Roman Catholic school board, as the case requires, and the person or, if the person is employed in accordance with the



terms of a collective agreement, the organization that represents the person under the collective agreement. 

(3) Either party to the dispute may notify the other party in writing of intention to submit the dispute to arbitration. Notice to arbitrate

(4) The notice shall contain the name of the first party's appointee to an arbitration board. Name of appointee

(5) The second party shall, within five days after receiving the notice, notify the first party either that the second party accepts the appointee as a single arbitrator or notify the first party of the name of the second party's appointee to the arbitration board. Response

(6) The two appointees shall, within five days after the appointment of the second of them, appoint a third person who shall be the chairman of the arbitration board. Chairman

(7) If the second party fails to give notice accepting a single arbitrator or appointing a second arbitrator, or if the two appointees fail to appoint a chairman, the appointment shall be made by the Education Relations Commission upon the request of either party to the dispute. Failure to act

(8) The single arbitrator or the arbitration board, as the case may be, shall hear the parties and issue a decision. Hearing

(9) The decision of a majority is the decision of the arbitration board, but if there is no majority, the decision of the chairman is the decision of the arbitration board. Majority

(10) The decision is final and binding upon the parties to the dispute and upon the person in respect of whom the dispute has been arbitrated and who is represented by the organization that is a party. Decision is final

(11) A party to an arbitration proceeding shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(12) A single arbitrator or a member of an arbitration board shall not have taken part before the hearing in an investigation or consideration of the subject-matter of the hearing. Prior knowledge

(13) A single arbitrator or a member of an arbitration board shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or party Notice of communication



or the representative of a party except upon notice to and opportunity for all parties to participate.

Participation  
in decision

(14) No member of an arbitration board shall participate in a decision of the board unless the member was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, a decision of the board shall not be given unless all members so present participate in the decision.

Release of  
documentary  
evidence

(15) Documents and things put in evidence at an arbitration hearing shall, upon the request of the person who produced them, be released to the person by the board within a reasonable time after the matter in issue has been finally determined.

Collective  
agreement

(16) If there is a collective agreement between the parties to the dispute and the collective agreement does not provide for arbitration of such a dispute, the collective agreement shall be deemed to include subsections (1) to (15).

Vacancy on  
arbitration  
board

▼  
**136ma.**—(1) If a member of an arbitration board is unable to enter on or to carry on his or her duties so as to enable a decision to be made within sixty days after the date of appointment of the chairman, or within such longer period of time as may be fixed in writing by the arbitration board and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death before the arbitration board has completed its work, a replacement shall be appointed by the person or body that appointed the member, and the arbitration board shall continue to function as if such member were a member of the arbitration board from the beginning.

Chairman  
unable  
to act

(2) If the chairman of an arbitration board is unable to enter on or to carry on his or her duties so as to enable a decision to be rendered within sixty days after his or her appointment, or within such longer period of time as may be fixed in writing by the arbitration board and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death, the Education Relations Commission shall give notice thereof to the members of the arbitration board who shall within seven days of the giving of the notice appoint a person to be the chairman and if the appointment is not so made by the members, it shall be made by the Education Relations Commission, and after the chairman is appointed the arbitration shall begin anew.

Arbitrator  
unable  
to act

(3) If an arbitrator is unable to enter on or to carry on his or her duties so as to enable a decision to be rendered within

sixty days after his or her appointment, or within such longer period of time as may be fixed in writing by the arbitrator and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death, the Education Relations Commission shall give notice thereof to the parties who shall within seven days of the giving of the notice appoint a person to be the arbitrator and if the appointment is not so made, it shall be made by the Education Relations Commission, and after the arbitrator is appointed the arbitration shall begin anew.

**136mb.** For the purpose of the arbitration and in order to reach a decision in respect of the dispute, the arbitrator or arbitration board,

Matters that may be considered by arbitrator or arbitration board

- (a) may inquire into and consider any matter that the arbitrator or arbitration board considers relevant to the arbitration; and
- (b) subject to such conditions as the arbitrator or arbitration board may establish, may permit persons who are not parties to the arbitration to participate at the hearing of the matter.

**136mc.** The arbitrator or arbitration board shall complete the consideration of the dispute and shall report the decision to the parties, the Education Relations Commission and the Planning and Implementation Commission in writing within sixty days after the giving of notice of the appointment of the arbitrator or within sixty days of the appointment of the chairman of the arbitration board, as the case may be, or within such longer period of time as may be fixed in writing by the arbitrator or arbitration board and consented to by the Education Relations Commission.

Report of arbitrator or arbitration board

**136md.** Each of the parties to an arbitration shall pay one-half of the fees and expenses of the arbitrator or, in the case of an arbitration board, of the members and chairman of the arbitration board, except that if one of the parties is a natural person and not an organization the public board or Roman Catholic school board that is the other party shall pay all of the fees and expenses of the arbitrator or of the members and chairman of the arbitration board.

Arbitration fees and expenses

**136me.** The *Arbitrations Act* does not apply to an arbitration of a dispute mentioned in section 136m, except if there is no agreement with respect to the fees of the arbitrator or of the members and chairman of an arbitration board, the fees prescribed under that Act shall be charged.

Application of R.S.O. 1980, c. 25

Pupils in  
public  
secondary  
schools

**136n.**—(1) A pupil in a public secondary school that is operated by,

- (a) the public board of which the pupil is a resident pupil; or
- (b) a public board to which the public board of which the pupil was qualified to be a resident pupil pays fees in respect of the pupil,

is entitled to continue to be a pupil in the public secondary school notwithstanding that the pupil or the parent or other person who has lawful custody of the pupil becomes exempt from payment of rates imposed for public secondary school purposes by reason of an election made under section 136a or 136f by the Roman Catholic school board that has jurisdiction in whole or in part in the same area of jurisdiction as that of the public board that,

- (c) operates the secondary school of which the pupil was a resident pupil at the time of the election by the Roman Catholic school board under section 136a or 136f; or
- (d) pays fees to the public board that operates the secondary school attended by the pupil.

Payments to  
public board

(2) A Roman Catholic school board shall make payments to a public board that has substantially the same or part of the same area of jurisdiction as the Roman Catholic school board of amounts of money in respect of the secondary school pupils who are qualified to be resident pupils of the Roman Catholic school board for secondary school purposes who exercise their right under subsection (1).

Calculation

(3) The time or times at which and manner in which the payments required by subsection (2) shall be made, the method of calculation of the amounts of the payments, and the basis for determination of the numbers of pupils in respect of whom the payments are required shall be that prescribed by the regulations.

No fees  
chargeable

(4) A public board shall not charge a fee to a Roman Catholic school board in respect of a pupil who exercises the right set out in subsection (1).

Metropolitan  
Toronto

(5) Payments required to be made by the Metropolitan Separate School Board under subsection (2) to a board of education for an area municipality in The Municipality of Metropolitan Toronto shall be made to The Metropolitan Toronto



School Board and The Metropolitan Toronto School Board shall take the payments into account in approving the estimates of the boards of education and in making its estimates under the *Municipality of Metropolitan Toronto Act*.

R.S.O. 1980,  
c. 314

(6) For the purposes of section 209, a payment under subsection (2) shall be deemed to be an estimated expenditure of the Roman Catholic school board for secondary school purposes and an estimated revenue for secondary school purposes of the public board that receives the payment.

Accounting

(7) A regulation made for the purposes of this section,


Regulations

(a) may be of general application or may apply only to such board or boards as are set out in the regulation; and

(b) may set out for different boards different times and manners in which payments shall be made, different methods of calculating the amounts of the payments and different bases for determining the number of pupils in respect of whom payments are required.

**136o.**—(1) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board if the area of jurisdiction of the public board is in whole or in part the same as the area of jurisdiction of the Roman Catholic school board.

Right  
to attend  
separate  
secondary  
school

(2) A person who is qualified to be a resident pupil in respect of a secondary school operated by a Roman Catholic school board is entitled to be a pupil in a secondary school operated by a public board if the area of jurisdiction of the Roman Catholic school board is in whole or in part the same as the area of jurisdiction of the public board. 


Right  
to attend  
public  
secondary  
school

(3) The public board shall pay the fee to which the Roman Catholic school board is entitled for providing secondary school education under subsection (1), and the Roman Catholic school board shall pay the fee to which the public board is entitled for providing secondary school education under subsection (2).

Fee

(4) The fee to which a board is entitled under this section is the lesser of the fee set by the board or the fee calculated in accordance with the regulations.

Amount

 (5) Upon written application, a Roman Catholic school board shall exempt a person who is qualified to be a resident

Exemption  
from  
religious  
studies




pupil in respect of a secondary school operated by a public board from programs and courses of study in religious education if,

- (a) the person is enrolled in a program that is not otherwise available to the person in a secondary school operated by a public board within the area of jurisdiction of the Roman Catholic school board;
- (b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multi-handicap for the person to attend a secondary school operated by a public board; or
- (c) the person is enrolled in an instructional unit of the Roman Catholic school board under Part XI.

Idem

(6) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic school board for a reason other than the one mentioned in clause 136o (5) (a), (b) or (c) is considered to have enrolled in all of the school's programs and courses of study in religious education.

Additional exemptions

(7) In addition to the exemptions provided for in subsection (5), no person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic school board shall be required to take part in any program or course of study in religious education where a parent or guardian of the person, or the person where the person is an adult, applies in writing to the Roman Catholic school board for exemption of the person therefrom. 

Interpretation

**136p.** Other provisions of this Act shall be construed with necessary modifications in order to give effect to and be consistent with sections 136a to 136y.

Enforcement

**136q.** A right or duty under sections 136a to 136y may be enforced by order of the Divisional Court upon application to the court.

### *Planning and Implementation Commission*

Commission continued

**136r.**—(1) The Planning and Implementation Commission established under clause 9 (a) is continued and shall be composed of not more than eight members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman from among the members of the Commission.

Chairman  
and vice-  
chairman

(3) The members of the Commission shall be appointed for such terms as may be determined by the Lieutenant Governor in Council and may be reappointed for further terms.

Term of  
office

(4) If the chairman is absent or unable to act or if there is a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

Authority of  
vice-chairman

(5) The members of the Commission shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Remuneration  
and expenses

(6) A majority of the members of the Commission, including the chairman or vice-chairman, constitutes a quorum.

Quorum

(7) The Commission, in its name, may be a party to any application before the Divisional Court.

Applications  
before  
Divisional  
Court

(8) The Ministry shall provide the Commission with such staff and accommodation as the Minister considers necessary for the purposes of the Commission.

Staff and  
accommo-  
dation

**136s.**—(1) The Planning and Implementation Commission shall advise the Minister in respect of specific means by which the extension of the Roman Catholic school system to include secondary school education may best be carried out.

Advice to  
Minister

(2) The Commission shall make an annual report to the Minister and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual  
report

(3) In addition to its annual report, the Commission may report to the Minister at any time and shall report to the Minister in such form and manner, with such information and at such times as the Minister requires.

Additional  
reports

(4) For the purpose of preparing its advice and reports to the Minister, the Commission shall consult with organizations that have a direct interest in the subject-matter of the particular advice and report, organizations and persons that the Commission considers it appropriate to consult and organizations and persons specified by the Minister.

Consultation

Matters  
to be  
considered by  
Commission

(5) For the purpose of preparing its advice and reports to the Minister, the Commission shall establish criteria in respect of and, in accordance with the criteria, shall evaluate,

- (a) plans formulated by Roman Catholic school boards to provide secondary school education;
- (b) plans formulated by public boards in relation to the extension of the Roman Catholic school system to include secondary school education;
- (c) plans for new or altered areas of jurisdiction of Roman Catholic school boards in relation to separate secondary schools;
- (d) the effect on the employment of supervisory officers, teachers and other persons employed in secondary schools consequent upon the extension of the Roman Catholic school system and the plans formulated by Roman Catholic school boards and public boards in relation to the employment of such persons; and
- (e) any other subject specified by the Minister.

Non-  
application  
of subss.  
(4, 5)

(6) Subsections (4) and (5) do not apply in respect of annual reports.

Non-  
application  
of  
R.S.O. 1980,  
c. 446

(7) The *Regulations Act* does not apply to criteria established under subsection (5).

Implemen-  
tation  
plans

**136t.**—(1) The Planning and Implementation Commission may require a Roman Catholic school board to formulate and file with the Commission each year an implementation plan setting out details of education programs, facilities, and supervisory officers, teaching staff and other staff required by the board for the purpose of providing the secondary school education until the Roman Catholic school board has filed implementation plans in respect of all secondary school grades.

Public  
board

(2) The Commission may require a public board that is affected or that is likely to be affected by the provision of secondary school education by a Roman Catholic school board to formulate and file with the Commission annually, not later than the date specified by the Commission, a plan setting out details of changes in education programs, facilities and supervisory officers, teaching staff and other staff that will be or that are likely to be necessary in response to the provision of



secondary school education by the Roman Catholic school board.

(3) The Commission may specify the format to be used in plans to be filed by Roman Catholic school boards and public boards and may specify time limits for the filing of plans requested by the Commission.

Format

(4) Every Roman Catholic school board and every public board shall comply with a request by the Commission for the formulation and filing of a plan under subsections (1) to (3).

Compliance

(5) The *Regulations Act* does not apply to any matter specified under subsection (3).

Non-application of R.S.O. 1980, c. 446

**136u.**—(1) For the purpose of ensuring that it receives adequate information, the Planning and Implementation Commission may hold public meetings in respect of the provision of secondary school education by individual Roman Catholic school boards.

Public meetings

(2) Where the Commission decides to hold a meeting mentioned in subsection (1), the Commission shall give notice of the meeting to the organizations it is required to consult, to such other persons or organizations as the Commission specifies and shall give public notice of the meeting.

Notice

**136v.**—(1) Where the Planning and Implementation Commission is of the opinion that the implementation plans of one or more Roman Catholic school boards and one or more public boards that have jurisdiction in the same or part of the same area of jurisdiction as the Roman Catholic school board or boards do not together provide a method that meets the criteria set out in subsection (2), the Commission shall so notify the boards and shall specify for them the matters that must be resolved in order to meet the criteria.

Negotiations

(2) The criteria are that the method,

Criteria

- (a) must permit the Roman Catholic school board to provide viable secondary school education;
- (b) must promote the best interests of public education in Ontario;
- (c) must ensure the viability of the secondary school program offered by the public board especially in single secondary school communities; and



- (d) must ensure, in a community that has only one secondary school operated by a public board, that the secondary school will continue to be operated by the public board despite the election to provide secondary education by a Roman Catholic school board having jurisdiction in the community, unless the public board decides otherwise. ▲

Good faith

(3) Upon receipt of the notice, the boards shall negotiate in good faith in respect of the matters specified by the Commission in order to meet the criteria set out in subsection (2). ▼

Assistance  
by  
Commission

**136w.**—(1) A public board or a Roman Catholic school board, or the Minister, may request the Planning and Implementation Commission to arrange or assist in, or both, negotiations between or among the boards respecting any one or more of,

- (a) the transfer of the use of real or personal property;
- (b) the transfer of the ownership of real or personal property; or
- (c) the joint use or ownership of real or personal property.

Appointment  
of mediator

(2) The Minister, on the recommendation of the Planning and Implementation Commission, may appoint a mediator to confer with one or more public boards and one or more Roman Catholic school boards and to endeavour to effect an agreement between or among the boards on the matters that the Commission has specified must be resolved between them.

Duties of  
mediator

(3) The mediator shall confer with the boards and endeavour to effect an agreement and shall report the result to the Minister.

Duties of  
boards

(4) Each board shall co-operate with the mediator and shall provide forthwith to the mediator such information as is requested by the mediator, and the mediator may request the provision of such information as the mediator considers relevant to the matters to be resolved.

Remuneration  
and expenses

(5) The mediator shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council, and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred in the course of his or her duties.

Appointment  
of tribunal  
to resolve  
matters

**136x.**—(1) If a mediator reports to the Minister that the mediator was unable to effect an agreement, the Minister shall

appoint a tribunal of not more than three persons to hear and decide the matters that must be resolved.

(2) The Minister shall designate one of the members of the tribunal to be the head of the tribunal. Head of tribunal

(3) No person is eligible to be a member of a tribunal who is or has been a member of a board that is a party to the proceeding before the tribunal or who is acting or has, within a period of six months preceding the date of the designation of the head of the tribunal, acted as solicitor, counsel or agent of either of the parties. Eligibility of members

(4) If a member of the tribunal is unable to enter on or to carry on his or her duties so as to enable a decision to be made within sixty days after the date of the designation of the head of the tribunal, or within such longer period of time as may be fixed in writing by the tribunal and consented to by the Minister, or ceases to act by reason of withdrawal or death before the tribunal has completed its work, a replacement shall be appointed by the Minister and the tribunal shall continue to function as if the replacement member were a member of the tribunal from the beginning. Replacement of members

(5) The tribunal shall appoint a time and place for a hearing and shall give notice thereof to the parties. Notice

(6) The parties to the hearing are the public board or public boards and the Roman Catholic school board or Roman Catholic school boards that are unable to effect an agreement on the matters that must be resolved between or among them. Parties

(7) In deciding the matters that must be resolved, the tribunal shall endeavour to permit the Roman Catholic school board or Roman Catholic school boards to provide secondary education and shall endeavour to promote the best interests of public education in Ontario. Criteria

(8) The tribunal, in its decision, may provide for, Decision

- (a) the transfer of the use of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;
- (b) the transfer of the ownership of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;

- (c) the joint use of real property or personal property, or both, by a public board that is a party and a Roman Catholic school board that is a party in such proportions as the tribunal specifies,

or any combination of them.

Delivery of  
decision

(9) The tribunal shall give to the Minister its decision in writing, together with written reasons therefor, and the record of the proceeding forthwith after making the decision.

Order by  
Minister

(10) The Minister shall issue and transmit to the parties an order in the terms of the decision, together with a copy of the decision and the written reasons for the decision.

Retransfer

(11) Real property that is the subject of an order under subsection (10) is not subject to expropriation by a public board, but upon application the Minister with the approval of the Lieutenant Governor in Council may,

- (a) order the retransfer, subject to such conditions as are specified in the retransfer order, of the use or ownership of all or part of the real property or personal property, or both, that was transferred in accordance with an order under subsection (10);

- (b) by order vary or rescind an order under subsection (10) that provides for the joint use of any real property or personal property.

Application  
of  
R.S.O. 1980,  
c. 148

(12) The *Expropriations Act* does not apply in respect of the transfer or retransfer of real property or personal property in accordance with an order under this section.

Enforce-  
ment of  
order

(13) The Minister shall cause a copy of an order made under this section to be filed in the office of the Registrar of the Supreme Court, exclusive of the reasons therefor, and the order shall be entered in the same way as a judgment of the Supreme Court and is enforceable as such.

L.G. in C.  
may confirm,  
vary or  
rescind order

(14) Upon the petition of a party to a proceeding under this section, filed with the Clerk of the Executive Council within twenty-eight days after the date of an order by the Minister in the proceeding, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of the order; or
- (b) require the Minister to appoint a new tribunal to hold a new hearing of the whole or any part of the



matter upon which the order of the Minister was based.

(15) The order of the Minister after a new hearing ordered by the Lieutenant Governor in Council is not subject to petition under this section. No further petition


(16) Upon the filing of a petition, the Minister shall file with the Clerk of the Executive Council the decision and written reasons therefor of the tribunal and a copy of the order of the Minister. Filing of documents on petition

(17) The Lieutenant Governor in Council is not required to hold or to afford to any person an opportunity for a hearing before deciding upon a petition under this section. Hearing by L.G. in C.

(18) The head of the tribunal and the other members of the tribunal who are not officers in the Public Service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this Act. Remuneration and expenses

**136xa.** Notwithstanding any other provision of this Act, the ownership of real property used for purposes of a public secondary school shall not be transferred to a Roman Catholic school board before the fifth anniversary of the day this section comes into force and no mediator under section 136w or tribunal under section 136x shall make a decision affecting the ownership of any such real property before that anniversary but this section does not apply so as to prevent such a transfer before that anniversary if the public board and the Roman Catholic school board agree and the Minister approves of the transfer. Limitation on real property transfers

**136xb.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing any matter that is referred to in sections 136a to 136y as prescribed by the regulations;
- (b) prescribing the method of determining persons to be designated under subsection 136l (1) and the matters referred to in subsections 136l (2) and (3);
- (c) requiring public boards and Roman Catholic school boards to confer with the Planning and Implementation Commission and branch affiliates on such matters as may be prescribed. 



Conflict

**136y.** The resolution of a matter between a public board and a Roman Catholic school board under sections 136a to 136xb, except as specifically provided for in those sections, is a nullity if the result is inconsistent with any other Act, any other provision of this Act or a regulation under any Act.

## COMPLEMENTARY AMENDMENTS

**3.—(1)** Section 126 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 21 and amended by 1984, chapter 60, section 8, is further amended by adding thereto the following subsection:

Secondary school purposes

(9) The assessment of a corporation for separate school purposes under subsections (1) to (8) in respect of a Roman Catholic school board applies in the same manner in relation to secondary school purposes as to elementary school purposes.

(2) Section 186 of the said Act is amended by adding thereto the following subsection:

Exception

(7) This section does not apply to arbitrations under section 136m.

**4.** Section 5 of *The Essex County French-language Secondary School Act, 1977*, being chapter 5, shall not be construed to prevent the conveyance of the School mentioned in the said Act to a Roman Catholic school board.

**5.** Clause 154 (4) (b) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed at the end of the first calendar year in which The Carleton Roman Catholic Separate School Board makes an election that is approved by the Minister of Education under section 136a or 136f of the *Education Act*.

**6.** Subsection 121 (2) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, is further amended,

(a) by adding “and” at the end of clause (c) and by striking out “and” at the end of clause (d); and

(b) by repealing clause (e),

at the end of the first calendar year in which the Metropolitan Separate School Board makes an election that is approved by the Minister under section 136a or 136f of the *Education Act*.

**7.** Sections 136r to 136x of the *Education Act*, as enacted by section 2 of this Act, are repealed on the 1st day of July, 1995. Repeal

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** The short title of this Act is the *Education Amendment Act, 1986*. Short title









# Bill 30

*(Chapter 21  
Statutes of Ontario, 1986)*

## **An Act to amend the Education Act**

**The Hon. S. Conway**  
*Minister of Education*

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<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	June 23rd, 1986
<i>Royal Assent</i>	June 24th, 1986

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Bill 30

1986

**An Act to amend the Education Act**

Whereas section 93 of the *Constitution Act, 1867* embodies one of the essential conditions which facilitated the creation of a united Canada in 1867 by guaranteeing to Roman Catholics in Ontario certain rights and privileges with respect to denominational schools; and whereas the Roman Catholic separate schools have become a significant part of the school system in Ontario; and whereas it has been public policy in Ontario since 1899 to provide for public funds to support education in the Roman Catholic separate schools to the end of Grade 10; and whereas it is recognized that today a basic education requires a secondary as well as an elementary education; and whereas it is just and proper and in accordance with the spirit of the guarantees given in 1867 to bring the provisions of the law respecting Roman Catholic separate schools into harmony with the provisions of the law respecting public elementary and secondary schools, by providing legislative recognition of and funding for secondary education by Roman Catholic separate schools; and whereas the foregoing facts were affirmed by the Premier of Ontario in his statement to the Legislative Assembly on the 12th day of June, 1984;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 17, 1982, chapter 20, section 2, 1982, chapter 32, section 1 and 1984, chapter 60, section 1, is further amended by adding thereto the following paragraphs:**

35a. "Planning and Implementation Commission" means the Planning and Implementation Commission continued under section 136r;



42a. "public board" means a board of education or a secondary school board established under section 69;

. . . . .

46a. "Roman Catholic school board" means a separate school board that has made an election under section 136a or 136f that has been approved by the Minister;

. . . . .

48a. "salary" means all payments and benefits paid or provided to or for the benefit of a person who is designated under section 136-l;

. . . . .

59a. "separate school board" means a board that operates a separate school for Roman Catholics;

. . . . .

65a. "support staff" means staff other than supervisory officer staff or teaching staff.

**2. The said Act is amended by adding thereto the following sections:**

*Secondary School Education*

Election re  
secondary  
school

**136a.**—(1) A separate school board may elect to perform the duties of a secondary school board for the area of jurisdiction of the board.

By-law

(2) An election under subsection (1) shall be by by-law approved by the Minister.

Approval

(3) The Minister may approve a by-law under subsection (2) upon receiving the advice of the Planning and Implementation Commission that the Commission is of the opinion that the first annual implementation plan formulated by the separate school board for the purpose of providing secondary school education and filed with the Commission will permit the separate school board to provide secondary school education and will promote the best interests of public education in Ontario.

(4) The secretary of a separate school board that makes an election under subsection (1) shall forthwith transmit to the Ministry a copy of the by-law certified by the secretary. Transmittal

(5) Upon approval of a by-law by the Minister, the Ministry shall transmit notice of the approval to the board that passed the by-law and shall transmit a copy of the by-law and notice of approval, Notice

(a) to the Planning and Implementation Commission;

(b) to the secretary of every board of education that has jurisdiction in the same area as the separate school board;

(c) to the clerk of every municipality all or part of which is within the area of jurisdiction of the separate school board; and

(d) to the appropriate assessment commissioner.

**136b.**—(1) An election under section 136a is effective on the first day of the school year specified in the by-law approved by the Minister. Effective date

(2) A by-law approved by the Minister after the 30th day of June in a year shall not take effect before the school year that commences in the next following year. Election after 30th day of June

**136c.** A Roman Catholic school board has all the powers and shall perform all the duties that are conferred or imposed by this Act on a secondary school board in respect of the secondary school grades for which the Roman Catholic school board is entitled to share in the legislative grants. Powers and duties of Roman Catholic school board

**136d.**—(1) A Roman Catholic school board and a public board may enter into an agreement to provide secondary school instruction of pupils of the one board in a school or schools operated by the other board, upon payment of fees by the board requesting the instruction to the board that provides the instruction. Agreement for education at other school

(2) The fees for the provision of the instruction shall be calculated in accordance with the regulations. Calculation of fees

**136e.**—(1) A Roman Catholic school board is entitled to share in the legislative grants for secondary school purposes. Legislative grants

- Conditions (2) The payment of legislative grants to a Roman Catholic school board is subject to the conditions prescribed by the regulations.
- Apportionment and distribution (3) The apportionment and distribution of legislative grants to a Roman Catholic school board is subject to the regulations.
- Compliance (4) The payment and apportionment of legislative grants to a Roman Catholic school board is subject to compliance by the Roman Catholic school board with sections 136a to 136y.
- Transitional **136f.**—(1) Where, before the coming into force of this Act, the Planning and Implementation Commission has reported to the Minister upon the implementation plan of a separate school board and has advised the Minister that the plan is appropriate for funding for the school year commencing in 1985, the separate school board is entitled to share in the legislative grants for secondary school purposes as of the first day of the school year commencing in 1985.
- Conditions (2) The entitlement under subsection (1) is subject to,
- (a) the separate school board electing by by-law to perform the duties of a secondary school board;
  - (b) the approval of the Minister; and
  - (c) subsections 136e (2) to (4).
- By-law (3) The separate school board shall forthwith after the coming into force of this section pass the by-law and transmit to the Ministry a copy certified by the secretary of the board.
- Application of s. 136a (3, 5) (4) Subsections 136a (3) (approval) and (5) (notice) apply with necessary modifications in respect of an election under this section to perform the duties of a secondary school board.
- Application of s. 136b (2) (5) Subsection 136b (2) (election after 30th day of June) does not apply in respect of a by-law under this section.
- Deemed designated persons (6) Section 136-1 applies with necessary modifications in respect of the entitlements of persons designated by a public board and employed by the separate school board after the Commission has reported to the Minister under subsection (1) but before the coming into force of this section.
- Secondary school grades **136g.**—(1) For the first school year in respect of which an election is effective, the entitlement of a Roman Catholic school board under section 136e applies in respect of the sec-



ondary school grade or grades, not exceeding grades nine and ten, in which the board is providing instruction in the immediately preceding school year and in respect of the next higher grade.

(2) The entitlement of a Roman Catholic school board under section 136e applies in respect of grade nine or grade ten, or both, provided for the first time in the first school year in respect of which the election of the Roman Catholic school board is effective.

Grades nine and ten

(3) For each subsequent school year, the board's entitlement under section 136e applies in respect of the same secondary school grades as in the previous school year and in respect of the next higher grade until the entitlement applies in respect of all secondary school grades.

Additional grades

**136h.**—(1) A Roman Catholic school board is entitled to share in the legislative grants as provided in section 136e in respect of a secondary school established and operated under Part XI by a public board and transferred to and operated by the Roman Catholic school board.

French language schools

(2) The entitlement under subsection (1) is in addition to the entitlement under section 136g (secondary school grades).

Entitlement

**136i.**—(1) No member shall be elected by separate school electors to a public board that has the same or part of the same area of jurisdiction as a Roman Catholic school board.

Membership on public board

(2) Subsection (1) applies in respect of the regular election under the *Municipal Elections Act* in the year 1988 and to elections held under that Act after the year 1988.

Application  
R.S.O. 1980,  
c. 308

(3) After the end of the first calendar year in which a Roman Catholic school board performs the duties of a secondary school board in accordance with an election under section 136a or 136f, no member elected by separate school electors and no separate school supporter or separate school elector is eligible to be a member of a public board that has the same or part of the same area of jurisdiction as the Roman Catholic school board.

Eligibility of separate school elector

**136j.**—(1) Every separate school supporter paying rates on property in the area of jurisdiction of a Roman Catholic school board is exempt from the payment of all rates imposed for secondary school purposes of a public board to the same extent that the person is exempt from payment of rates imposed for public elementary school purposes.

Payment of public secondary school rates



Application  
of subs. (1)

(2) The exemption under subsection (1) commences in respect of the year following the year in which the election of the Roman Catholic school board becomes effective under section 136b.

Application

(3) Subsections (1) and (2) apply on and after the 1st day of January in the year next following the year in which this section comes into force.

Estimates  
and rates  
for separate  
secondary  
school  
purposes

**136k.**—(1) The provisions of this Part that apply to the preparation and adoption of estimates and the levying and collection of rates or taxes for separate school purposes apply with necessary modifications for secondary school purposes in respect of a Roman Catholic school board.

Elementary  
and  
secondary  
estimates

(2) Every Roman Catholic school board shall continue to prepare and adopt the estimates required of it for elementary school purposes and must prepare and adopt estimates for secondary school purposes in the same manner as is required of a public board.

Application

(3) Subsections (1) and (2) apply on and after the 1st day of January in the year next following the year in which this section comes into force.

Mandatory  
joint  
committees

**136ka.**—(1) If the area of jurisdiction of a public board is substantially the same as the area of jurisdiction of a Roman Catholic school board or if their common area of jurisdiction includes the whole of a municipality, the two boards shall establish a joint committee.

Multiple  
committees

(2) If a board is required under subsection (1) to establish more than one joint committee, the board shall ensure that at least one member of each such joint committee is a member of the other joint committee or committees.

Combined  
joint  
committee

(3) If a Roman Catholic school board is required to establish more than one joint committee and all of the public boards concerned agree, the boards concerned may establish a single combined joint committee instead of the joint committees required under subsection (1).

Composition

(4) Each joint committee and combined joint committee shall consist of such number of members as the boards concerned may agree upon and, if the boards are unable to agree, shall be composed of,

(a) three members of each public board concerned, appointed by their respective boards; and

- (b) three members of the Roman Catholic school board, appointed by that board.

(5) If a board that appoints members to a joint committee or a combined joint committee is required to have a French-language section or a French-language education council, at least one appointee of that board shall be a member of such section or council.

French-language  
representative

(6) Subsection (5) applies with necessary modifications if a board is required to have an English-language section or an English-language education council.

Idem

(7) Nothing in Part XI-A or XI-B applies so as to restrict the participation of a member of a joint committee or combined joint committee in any meeting of the committee or so as to prevent the member from voting on any matter at a meeting of the committee.

Idem

(8) A member of a joint committee or a combined joint committee shall hold office during the term of the members of his or her respective board and until a new board is organized and a successor is appointed or elected, as the case may be.

Term of  
office

(9) Subsection 74 (7) and subsections 75 (1), (2) and (3) apply with necessary modifications to a joint committee or combined joint committee.

Application  
of ss. 74 (7)  
and 75 (1-3)

(10) The boards concerned shall make available to the joint committee or combined joint committee such personnel and services as the boards consider necessary for the proper functioning of the joint committee or combined joint committee.

Personnel  
and services

(11) A joint committee or combined joint committee shall hold public meetings to report upon its work.

Public  
meetings

(12) A joint committee or combined joint committee is responsible for exploring opportunities for transferring facilities, leasing facilities or sharing services, facilities, resources and staff, and may make recommendations in respect of the implementation of programs for such purpose.

Recommendations

(13) A public board and a Roman Catholic school board shall consider any recommendation submitted to it in writing by a joint committee or combined joint committee and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by the board and any committee of the board to which such recommendation is referred.

Consideration  
of  
recommendations  
by  
boards

Reconsideration of recommendations

(14) If a recommendation requires the approval of two or more boards to be effective and one or more of the boards concerned rejects the recommendation, the board or boards that approved the recommendation may make representations to the board or boards that rejected the recommendation, in which case the board or boards that rejected the recommendation shall reconsider the recommendation and may approve or reject it.

Annual report

(15) Each joint committee and combined joint committee shall report annually upon its proceedings and the disposition of its recommendations to the public board, the Roman Catholic school board and to the Planning and Implementation Commission which shall review and comment upon the reports as part of its annual report to the Minister.

Teaching and other staffs

**136-1.**—(1) A public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board shall designate, in accordance with the regulations or by agreement between the boards, the persons on its supervisory officers staff, elementary teaching staff, secondary teaching staff and support staff whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.

Contents of regulations and agreements

(2) The regulations or agreement referred to in subsection (1) shall provide for,

- (a) the exchange of enrolment and other data between the boards so as to enable the public board to make the calculations necessary to determine the designation referred to in subsection (1);
- (b) methods for encouraging voluntary transfers of public board teachers and supervisory officers to positions with the Roman Catholic school board and for treating a person so transferred as a designated person with all rights and entitlements provided by this Act; and
- (c) a right of first refusal, on the basis of seniority, for designated persons with respect to positions that become vacant in the public board.

Idem

(3) The regulations or agreement referred to in subsection (1) may contain provisions in addition to those required by subsection (2), including provisions related to the encouragement of the secondment and assignment of services of teach-



ers and supervisory officers of the public board to positions with the Roman Catholic school board.

(4) No agreement under subsection (1) renders inoperative any provision in a collective agreement unless the branch affiliate or affiliates concerned agree in writing to an amendment to the collective agreement.

Collective  
agreements

(5) In determining the designations referred to in subsection (1) and in implementing its employment policy thereafter, the public board shall endeavour to maintain and promote affirmative action with respect to the employment of women on its teaching staff.

Affirmative  
action

(6) The public board shall make the designations referred to in subsection (1) in each of the first ten school years during which the Roman Catholic school board performs the duties of a secondary school board but not later than the date prescribed by the regulations for each year.

Yearly  
designations

(7) The teaching contract, employment contract or employment relationship, as the case may be, of a person designated by a public board under subsection (1) is transferred to, and assumed by, the Roman Catholic school board referred to in subsection (1) effective the 1st day of September next following the date upon which the public board makes the designation or upon such earlier date as the boards concerned may agree upon.

Transfer of  
employment

(8) A Roman Catholic school board to which the teaching contract, employment contract or employment relationship of any person is transferred under subsection (7) shall employ the person in a position substantially similar to the position in which the person was employed by the public board immediately before the transfer.

Similar  
employment

(9) If the Roman Catholic school board has no position as provided in subsection (8) for the designated person on the appropriate staff of the board, the designated person is entitled to receive training assistance, as prescribed by the regulations, for an alternate position on the appropriate staff, and the Roman Catholic school board shall maintain the person in its employ, provide the assistance and offer to the person employment in a position appropriate to either his or her previous or newly acquired qualifications.

Training  
assistance

(10) If a designated person objects to the transfer of employment to the Roman Catholic school board for reasons of conscience, he or she may so advise the public board and, unless it is of the opinion that the objection is not made in

Objectors



good faith, the public board shall designate another person in place of the person making the objection.

Seniority

(11) Subject to any collective agreement in effect, the public board shall designate, on the basis of seniority, the persons on its support staff whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.

Transmittal  
of lists

(12) Each public board that designates persons under this section shall transmit to the Planning and Implementation Commission in each year but not later than the date for each year fixed by the Commission, a list of the names and positions of persons that it has designated.

Compensation  
rate

(13) A designated person employed by the Roman Catholic school board has the right to an annual rate of salary of not less than the annual rate of salary that would have applied to the person if the person had continued in the employ of the public board in the first year that the person is employed by the Roman Catholic school board but if the annual rate of salary of the position in which the person is employed by the Roman Catholic school board is lower than such first-mentioned annual rate of salary, the designated person is not entitled to any increase in annual rate of salary until the annual rate of salary of the position becomes equal to such first-mentioned annual rate of salary.

Seniority and  
employment  
status

(14) A designated person employed by the Roman Catholic school board has the right to commence the employment with seniority and with probationary or permanent status with the Roman Catholic school board equal to the seniority and the probationary or permanent status the designated person would have had if the designated person had continued to be employed by the public board.

Sick leave  
credits

(15) Sick leave credits standing to a designated person's credit with the public board shall be transferred to the plan maintained by the Roman Catholic school board at the time the person's employment is transferred under subsection (7).

Credit for  
total accumu-  
lation

(16) If the number of sick leave credits transferred exceeds the total number of sick leave credits that may be accumulated under the plan to which they are transferred, the designated person shall be given credit in the plan for the number transferred but is not entitled to accumulate further sick leave credits under the plan unless the plan is amended to permit a greater accumulation.

(17) Subject to subsection (16), a designated person employed by a Roman Catholic school board is entitled to accumulate and to use sick leave credits in accordance with the plan maintained by the Roman Catholic school board.

Accumulation  
and use of  
sick leave  
credits

(18) Upon termination of employment with the Roman Catholic school board, a designated person is entitled to payment of an amount calculated in accordance with,

Gratuity

- (a) the collective agreement that applied in respect of the designated person on the last date that the designated person was employed by the public board; or
- (b) the policy of the public board as of the last date that the designated person was employed by the public board,

as the case requires, as though the designated person had been in the continuous employ of the public board.

(19) In lieu of the payment under subsection (18), the designated person is entitled to require payment of an amount calculated in accordance with,

Idem

- (a) the collective agreement that applies in respect of the designated person on the last date that the designated person is employed by the Roman Catholic school board; or
- (b) the policy of the Roman Catholic school board as of the last date that the designated person is employed by the Roman Catholic school board,

as the case requires.

(20) The amount of the payment under subsection (18) or (19) shall be shared by the public board and Roman Catholic school board in the ratio that the number of years of service of the designated person with each board bears to the total number of years of service of the designated person with such boards.

Idem

(21) Section 4 of the *Human Rights Code, 1981* applies to designated persons employed by a Roman Catholic school board in respect of their employment, advancement and promotion by the Board, notwithstanding section 23 of the said Code.

Employment,  
advancement  
and  
promotion  
1981, c. 53

## Definition

(22) In this section, "seniority" means seniority as agreed upon between the public board that employed the designated person and the organization that entered into a collective agreement with the public board in respect of the designated person, or, where there is no collective agreement, in accordance with the policy of the public board.

## Deemed designated persons

(23) This section applies with necessary modifications in respect of entitlements of teachers who were employed by a public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board and who subsequent to a report to the Minister by the Commission under subsection 136f (1) but before the coming into force of this section accepted employment with the Roman Catholic school board.

## Hiring after ten-year period

**136-1a.**—(1) For the purpose of maintaining the distinctiveness of separate schools, the Roman Catholic school board may require as a condition of employment that teachers hired by the board after the ten school year period mentioned in subsection 136-l (6) agree to respect the philosophy and traditions of Roman Catholic separate schools in the performance of their duties.

## Application of 1981, c. 53

(2) Subject to subsection (1), and despite section 23 of the *Human Rights Code, 1981*, section 4 of the said Code applies to ensure that such teachers employed by a Roman Catholic school board will enjoy equal opportunity in respect of their employment, advancement and promotion by the board.

## Repeal

(3) If it is finally determined by a court that subsection (1) or (2) prejudicially affects a right or privilege with respect to denominational schools guaranteed by the Constitution of Canada, subsections (1) and (2) are repealed, it being the intention of the Legislature that the remaining provisions of the Act are separate from and independent of the said subsections.

## Staff dispute resolution

**136m.**—(1) A dispute in respect of the designation of or the failure to designate a person on the teaching or other staffs of a public board or in respect of any matter arising under section 136-l in the employment relationship between a designated person and a Roman Catholic school board may be resolved by a grievance arbitration in accordance with this section.

## Parties

(2) The parties to the arbitration are the public board or the Roman Catholic school board, as the case requires, and the person or, if the person is employed in accordance with the



terms of a collective agreement, the organization that represents the person under the collective agreement.

(3) Either party to the dispute may notify the other party in writing of intention to submit the dispute to arbitration. Notice to arbitrate

(4) The notice shall contain the name of the first party's appointee to an arbitration board. Name of appointee

(5) The second party shall, within five days after receiving the notice, notify the first party either that the second party accepts the appointee as a single arbitrator or notify the first party of the name of the second party's appointee to the arbitration board. Response

(6) The two appointees shall, within five days after the appointment of the second of them, appoint a third person who shall be the chairman of the arbitration board. Chairman

(7) If the second party fails to give notice accepting a single arbitrator or appointing a second arbitrator, or if the two appointees fail to appoint a chairman, the appointment shall be made by the Education Relations Commission upon the request of either party to the dispute. Failure to act

(8) The single arbitrator or the arbitration board, as the case may be, shall hear the parties and issue a decision. Hearing

(9) The decision of a majority is the decision of the arbitration board, but if there is no majority, the decision of the chairman is the decision of the arbitration board. Majority

(10) The decision is final and binding upon the parties to the dispute and upon the person in respect of whom the dispute has been arbitrated and who is represented by the organization that is a party. Decision is final

(11) A party to an arbitration proceeding shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(12) A single arbitrator or a member of an arbitration board shall not have taken part before the hearing in an investigation or consideration of the subject-matter of the hearing. Prior knowledge

(13) A single arbitrator or a member of an arbitration board shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or party Notice of communication



or the representative of a party except upon notice to and opportunity for all parties to participate.

Participation  
in decision

(14) No member of an arbitration board shall participate in a decision of the board unless the member was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, a decision of the board shall not be given unless all members so present participate in the decision.

Release of  
documentary  
evidence

(15) Documents and things put in evidence at an arbitration hearing shall, upon the request of the person who produced them, be released to the person by the board within a reasonable time after the matter in issue has been finally determined.

Collective  
agreement

(16) If there is a collective agreement between the parties to the dispute and the collective agreement does not provide for arbitration of such a dispute, the collective agreement shall be deemed to include subsections (1) to (15).

Vacancy on  
arbitration  
board

**136ma.**—(1) If a member of an arbitration board is unable to enter on or to carry on his or her duties so as to enable a decision to be made within sixty days after the date of appointment of the chairman, or within such longer period of time as may be fixed in writing by the arbitration board and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death before the arbitration board has completed its work, a replacement shall be appointed by the person or body that appointed the member, and the arbitration board shall continue to function as if such member were a member of the arbitration board from the beginning.

Chairman  
unable  
to act

(2) If the chairman of an arbitration board is unable to enter on or to carry on his or her duties so as to enable a decision to be rendered within sixty days after his or her appointment, or within such longer period of time as may be fixed in writing by the arbitration board and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death, the Education Relations Commission shall give notice thereof to the members of the arbitration board who shall within seven days of the giving of the notice appoint a person to be the chairman and if the appointment is not so made by the members, it shall be made by the Education Relations Commission, and after the chairman is appointed the arbitration shall begin anew.

Arbitrator  
unable  
to act

(3) If a arbitrator is unable to enter on or to carry on his or her duties so as to enable a decision to be rendered within

sixty days after his or her appointment, or within such longer period of time as may be fixed in writing by the arbitrator and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death, the Education Relations Commission shall give notice thereof to the parties who shall within seven days of the giving of the notice appoint a person to be the arbitrator and if the appointment is not so made, it shall be made by the Education Relations Commission, and after the arbitrator is appointed the arbitration shall begin anew.

**136mb.** For the purpose of the arbitration and in order to reach a decision in respect of the dispute, the arbitrator or arbitration board,

Matters that may be considered by arbitrator or arbitration board

- (a) may inquire into and consider any matter that the arbitrator or arbitration board considers relevant to the arbitration; and
- (b) subject to such conditions as the arbitrator or arbitration board may establish, may permit persons who are not parties to the arbitration to participate at the hearing of the matter.

**136mc.** The arbitrator or arbitration board shall complete the consideration of the dispute and shall report the decision to the parties, the Education Relations Commission and the Planning and Implementation Commission in writing within sixty days after the giving of notice of the appointment of the arbitrator or within sixty days of the appointment of the chairman of the arbitration board, as the case may be, or within such longer period of time as may be fixed in writing by the arbitrator or arbitration board and consented to by the Education Relations Commission.

Report of arbitrator or arbitration board

**136md.** Each of the parties to an arbitration shall pay one-half of the fees and expenses of the arbitrator or, in the case of an arbitration board, of the members and chairman of the arbitration board, except that if one of the parties is a natural person and not an organization the public board or Roman Catholic school board that is the other party shall pay all of the fees and expenses of the arbitrator or of the members and chairman of the arbitration board.

Arbitration fees and expenses

**136me.** The *Arbitrations Act* does not apply to an arbitration of a dispute mentioned in section 136m, except if there is no agreement with respect to the fees of the arbitrator or of the members and chairman of an arbitration board, the fees prescribed under that Act shall be charged.

Application of R.S.O. 1980, c. 25



Pupils in  
public  
secondary  
schools

**136n.**—(1) A pupil in a public secondary school that is operated by,

- (a) the public board of which the pupil is a resident pupil; or
- (b) a public board to which the public board of which the pupil was qualified to be a resident pupil pays fees in respect of the pupil,

is entitled to continue to be a pupil in the public secondary school notwithstanding that the pupil or the parent or other person who has lawful custody of the pupil becomes exempt from payment of rates imposed for public secondary school purposes by reason of an election made under section 136a or 136f by the Roman Catholic school board that has jurisdiction in whole or in part in the same area of jurisdiction as that of the public board that,

- (c) operates the secondary school of which the pupil was a resident pupil at the time of the election by the Roman Catholic school board under section 136a or 136f; or
- (d) pays fees to the public board that operates the secondary school attended by the pupil.

Payments to  
public board

(2) A Roman Catholic school board shall make payments to a public board that has substantially the same or part of the same area of jurisdiction as the Roman Catholic school board of amounts of money in respect of the secondary school pupils who are qualified to be resident pupils of the Roman Catholic school board for secondary school purposes who exercise their right under subsection (1).

Calculation

(3) The time or times at which and manner in which the payments required by subsection (2) shall be made, the method of calculation of the amounts of the payments, and the basis for determination of the numbers of pupils in respect of whom the payments are required shall be that prescribed by the regulations.

No fees  
chargeable

(4) A public board shall not charge a fee to a Roman Catholic school board in respect of a pupil who exercises the right set out in subsection (1).

Metropolitan  
Toronto

(5) Payments required to be made by the Metropolitan Separate School Board under subsection (2) to a board of education for an area municipality in The Municipality of Metropolitan Toronto shall be made to The Metropolitan Toronto

School Board and The Metropolitan Toronto School Board shall take the payments into account in approving the estimates of the boards of education and in making its estimates under the *Municipality of Metropolitan Toronto Act*.

R.S.O. 1980,  
c. 314

(6) For the purposes of section 209, a payment under subsection (2) shall be deemed to be an estimated expenditure of the Roman Catholic school board for secondary school purposes and an estimated revenue for secondary school purposes of the public board that receives the payment.

Accounting

(7) A regulation made for the purposes of this section,

Regulations

(a) may be of general application or may apply only to such board or boards as are set out in the regulation; and

(b) may set out for different boards different times and manners in which payments shall be made, different methods of calculating the amounts of the payments and different bases for determining the number of pupils in respect of whom payments are required.

**136o.**—(1) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board if the area of jurisdiction of the public board is in whole or in part the same as the area of jurisdiction of the Roman Catholic school board.

Right  
to attend  
separate  
secondary  
school

(2) A person who is qualified to be a resident pupil in respect of a secondary school operated by a Roman Catholic school board is entitled to be a pupil in a secondary school operated by a public board if the area of jurisdiction of the Roman Catholic school board is in whole or in part the same as the area of jurisdiction of the public board.

Right  
to attend  
public  
secondary  
school

(3) The public board shall pay the fee to which the Roman Catholic school board is entitled for providing secondary school education under subsection (1), and the Roman Catholic school board shall pay the fee to which the public board is entitled for providing secondary school education under subsection (2).

Fee

(4) The fee to which a board is entitled under this section is the lesser of the fee set by the board or the fee calculated in accordance with the regulations.

Amount

(5) Upon written application, a Roman Catholic school board shall exempt a person who is qualified to be a resident

Exemption  
from  
religious  
studies



pupil in respect of a secondary school operated by a public board from programs and courses of study in religious education if,

- (a) the person is enrolled in a program that is not otherwise available to the person in a secondary school operated by a public board within the area of jurisdiction of the Roman Catholic school board;
- (b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multi-handicap for the person to attend a secondary school operated by a public board; or
- (c) the person is enrolled in an instructional unit of the Roman Catholic school board under Part XI.

Idem

(6) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic school board for a reason other than the one mentioned in clause 136o (5) (a), (b) or (c) is considered to have enrolled in all of the school's programs and courses of study in religious education.

Additional exemptions

(7) In addition to the exemptions provided for in subsection (5), no person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic school board shall be required to take part in any program or course of study in religious education where a parent or guardian of the person, or the person where the person is an adult, applies in writing to the Roman Catholic school board for exemption of the person therefrom.

Interpretation

**136p.** Other provisions of this Act shall be construed with necessary modifications in order to give effect to and be consistent with sections 136a to 136y.

Enforcement

**136q.** A right or duty under sections 136a to 136y may be enforced by order of the Divisional Court upon application to the court.

### *Planning and Implementation Commission*

Commission continued

**136r.**—(1) The Planning and Implementation Commission established under clause 9 (a) is continued and shall be composed of not more than eight members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman from among the members of the Commission.

Chairman  
and vice-  
chairman

(3) The members of the Commission shall be appointed for such terms as may be determined by the Lieutenant Governor in Council and may be reappointed for further terms.

Term of  
office

(4) If the chairman is absent or unable to act or if there is a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

Authority of  
vice-chairman

(5) The members of the Commission shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Remuneration  
and expenses

(6) A majority of the members of the Commission, including the chairman or vice-chairman, constitutes a quorum.

Quorum

(7) The Commission, in its name, may be a party to any application before the Divisional Court.

Applications  
before  
Divisional  
Court

(8) The Ministry shall provide the Commission with such staff and accommodation as the Minister considers necessary for the purposes of the Commission.

Staff and  
accommo-  
dation

**136s.**—(1) The Planning and Implementation Commission shall advise the Minister in respect of specific means by which the extension of the Roman Catholic school system to include secondary school education may best be carried out.

Advice to  
Minister

(2) The Commission shall make an annual report to the Minister and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual  
report

(3) In addition to its annual report, the Commission may report to the Minister at any time and shall report to the Minister in such form and manner, with such information and at such times as the Minister requires.

Additional  
reports

(4) For the purpose of preparing its advice and reports to the Minister, the Commission shall consult with organizations that have a direct interest in the subject-matter of the particular advice and report, organizations and persons that the Commission considers it appropriate to consult and organizations and persons specified by the Minister.

Consultation

Matters  
to be  
considered by  
Commission

(5) For the purpose of preparing its advice and reports to the Minister, the Commission shall establish criteria in respect of and, in accordance with the criteria, shall evaluate,

- (a) plans formulated by Roman Catholic school boards to provide secondary school education;
- (b) plans formulated by public boards in relation to the extension of the Roman Catholic school system to include secondary school education;
- (c) plans for new or altered areas of jurisdiction of Roman Catholic school boards in relation to separate secondary schools;
- (d) the effect on the employment of supervisory officers, teachers and other persons employed in secondary schools consequent upon the extension of the Roman Catholic school system and the plans formulated by Roman Catholic school boards and public boards in relation to the employment of such persons; and
- (e) any other subject specified by the Minister.

Non-  
application  
of subss.  
(4, 5)

(6) Subsections (4) and (5) do not apply in respect of annual reports.

Non-  
application  
of  
R.S.O. 1980,  
c. 446

(7) The *Regulations Act* does not apply to criteria established under subsection (5).

Implemen-  
tation  
plans

**136t.**—(1) The Planning and Implementation Commission may require a Roman Catholic school board to formulate and file with the Commission each year an implementation plan setting out details of education programs, facilities, and supervisory officers, teaching staff and other staff required by the board for the purpose of providing the secondary school education until the Roman Catholic school board has filed implementation plans in respect of all secondary school grades.

Public  
board

(2) The Commission may require a public board that is affected or that is likely to be affected by the provision of secondary school education by a Roman Catholic school board to formulate and file with the Commission annually, not later than the date specified by the Commission, a plan setting out details of changes in education programs, facilities and supervisory officers, teaching staff and other staff that will be or that are likely to be necessary in response to the provision of



secondary school education by the Roman Catholic school board.

(3) The Commission may specify the format to be used in plans to be filed by Roman Catholic school boards and public boards and may specify time limits for the filing of plans requested by the Commission.

Format

(4) Every Roman Catholic school board and every public board shall comply with a request by the Commission for the formulation and filing of a plan under subsections (1) to (3).

Compliance

(5) The *Regulations Act* does not apply to any matter specified under subsection (3).

Non-application  
of  
R.S.O. 1980,  
c. 446

**136u.**—(1) For the purpose of ensuring that it receives adequate information, the Planning and Implementation Commission may hold public meetings in respect of the provision of secondary school education by individual Roman Catholic school boards.

Public  
meetings

(2) Where the Commission decides to hold a meeting mentioned in subsection (1), the Commission shall give notice of the meeting to the organizations it is required to consult, to such other persons or organizations as the Commission specifies and shall give public notice of the meeting.

Notice

**136v.**—(1) Where the Planning and Implementation Commission is of the opinion that the implementation plans of one or more Roman Catholic school boards and one or more public boards that have jurisdiction in the same or part of the same area of jurisdiction as the Roman Catholic school board or boards do not together provide a method that meets the criteria set out in subsection (2), the Commission shall so notify the boards and shall specify for them the matters that must be resolved in order to meet the criteria.

Negotiations

(2) The criteria are that the method,

Criteria

- (a) must permit the Roman Catholic school board to provide viable secondary school education;
- (b) must promote the best interests of public education in Ontario;
- (c) must ensure the viability of the secondary school program offered by the public board especially in single secondary school communities; and



- (d) must ensure, in a community that has only one secondary school operated by a public board, that the secondary school will continue to be operated by the public board despite the election to provide secondary education by a Roman Catholic school board having jurisdiction in the community, unless the public board decides otherwise.

Good faith

(3) Upon receipt of the notice, the boards shall negotiate in good faith in respect of the matters specified by the Commission in order to meet the criteria set out in subsection (2).

Assistance  
by  
Commission

**136w.**—(1) A public board or a Roman Catholic school board, or the Minister, may request the Planning and Implementation Commission to arrange or assist in, or both, negotiations between or among the boards respecting any one or more of,

- (a) the transfer of the use of real or personal property;
- (b) the transfer of the ownership of real or personal property; or
- (c) the joint use or ownership of real or personal property.

Appointment  
of mediator

(2) The Minister, on the recommendation of the Planning and Implementation Commission, may appoint a mediator to confer with one or more public boards and one or more Roman Catholic school boards and to endeavour to effect an agreement between or among the boards on the matters that the Commission has specified must be resolved between them.

Duties of  
mediator

(3) The mediator shall confer with the boards and endeavour to effect an agreement and shall report the result to the Minister.

Duties of  
boards

(4) Each board shall co-operate with the mediator and shall provide forthwith to the mediator such information as is requested by the mediator, and the mediator may request the provision of such information as the mediator considers relevant to the matters to be resolved.

Remuneration  
and expenses

(5) The mediator shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council, and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred in the course of his or her duties.

Appointment  
of tribunal  
to resolve  
matters

**136x.**—(1) If a mediator reports to the Minister that the mediator was unable to effect an agreement, the Minister shall

appoint a tribunal of not more than three persons to hear and decide the matters that must be resolved.

(2) The Minister shall designate one of the members of the tribunal to be the head of the tribunal. Head of tribunal

(3) No person is eligible to be a member of a tribunal who is or has been a member of a board that is a party to the proceeding before the tribunal or who is acting or has, within a period of six months preceding the date of the designation of the head of the tribunal, acted as solicitor, counsel or agent of either of the parties. Eligibility of members

(4) If a member of the tribunal is unable to enter on or to carry on his or her duties so as to enable a decision to be made within sixty days after the date of the designation of the head of the tribunal, or within such longer period of time as may be fixed in writing by the tribunal and consented to by the Minister, or ceases to act by reason of withdrawal or death before the tribunal has completed its work, a replacement shall be appointed by the Minister and the tribunal shall continue to function as if the replacement member were a member of the tribunal from the beginning. Replacement of members

(5) The tribunal shall appoint a time and place for a hearing and shall give notice thereof to the parties. Notice

(6) The parties to the hearing are the public board or public boards and the Roman Catholic school board or Roman Catholic school boards that are unable to effect an agreement on the matters that must be resolved between or among them. Parties

(7) In deciding the matters that must be resolved, the tribunal shall endeavour to permit the Roman Catholic school board or Roman Catholic school boards to provide secondary education and shall endeavour to promote the best interests of public education in Ontario. Criteria

(8) The tribunal, in its decision, may provide for, Decision

- (a) the transfer of the use of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;
- (b) the transfer of the ownership of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;

- (c) the joint use of real property or personal property, or both, by a public board that is a party and a Roman Catholic school board that is a party in such proportions as the tribunal specifies,

or any combination of them.

Delivery of  
decision

(9) The tribunal shall give to the Minister its decision in writing, together with written reasons therefor, and the record of the proceeding forthwith after making the decision.

Order by  
Minister

(10) The Minister shall issue and transmit to the parties an order in the terms of the decision, together with a copy of the decision and the written reasons for the decision.

Retransfer

(11) Real property that is the subject of an order under subsection (10) is not subject to expropriation by a public board, but upon application the Minister with the approval of the Lieutenant Governor in Council may,

- (a) order the retransfer, subject to such conditions as are specified in the retransfer order, of the use or ownership of all or part of the real property or personal property, or both, that was transferred in accordance with an order under subsection (10);
- (b) by order vary or rescind an order under subsection (10) that provides for the joint use of any real property or personal property.

Application  
of  
R.S.O. 1980,  
c. 148

(12) The *Expropriations Act* does not apply in respect of the transfer or retransfer of real property or personal property in accordance with an order under this section.

Enforce-  
ment of  
order

(13) The Minister shall cause a copy of an order made under this section to be filed in the office of the Registrar of the Supreme Court, exclusive of the reasons therefor, and the order shall be entered in the same way as a judgment of the Supreme Court and is enforceable as such.

L.G. in C.  
may confirm,  
vary or  
rescind order

(14) Upon the petition of a party to a proceeding under this section, filed with the Clerk of the Executive Council within twenty-eight days after the date of an order by the Minister in the proceeding, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of the order; or
- (b) require the Minister to appoint a new tribunal to hold a new hearing of the whole or any part of the



matter upon which the order of the Minister was based.

(15) The order of the Minister after a new hearing ordered by the Lieutenant Governor in Council is not subject to petition under this section.

No further petition

(16) Upon the filing of a petition, the Minister shall file with the Clerk of the Executive Council the decision and written reasons therefor of the tribunal and a copy of the order of the Minister.

Filing of documents on petition

(17) The Lieutenant Governor in Council is not required to hold or to afford to any person an opportunity for a hearing before deciding upon a petition under this section.

Hearing by L.G. in C.

(18) The head of the tribunal and the other members of the tribunal who are not officers in the Public Service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this Act.

Remuneration and expenses

**136xa.** Notwithstanding any other provision of this Act, the ownership of real property used for purposes of a public secondary school shall not be transferred to a Roman Catholic school board before the fifth anniversary of the day this section comes into force and no mediator under section 136w or tribunal under section 136x shall make a decision affecting the ownership of any such real property before that anniversary but this section does not apply so as to prevent such a transfer before that anniversary if the public board and the Roman Catholic school board agree and the Minister approves of the transfer.

Limitation on real property transfers

**136xb.** The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing any matter that is referred to in sections 136a to 136y as prescribed by the regulations;
- (b) prescribing the method of determining persons to be designated under subsection 136-l (1) and the matters referred to in subsections 136-l (2) and (3);
- (c) requiring public boards and Roman Catholic school boards to confer with the Planning and Implementation Commission and branch affiliates on such matters as may be prescribed.



Conflict

**136y.** The resolution of a matter between a public board and a Roman Catholic school board under sections 136a to 136xb, except as specifically provided for in those sections, is a nullity if the result is inconsistent with any other Act, any other provision of this Act or a regulation under any Act.

## COMPLEMENTARY AMENDMENTS

**3.—(1)** Section 126 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 21 and amended by 1984, chapter 60, section 8, is further amended by adding thereto the following subsection:

Secondary  
school  
purposes

(9) The assessment of a corporation for separate school purposes under subsections (1) to (8) in respect of a Roman Catholic school board applies in the same manner in relation to secondary school purposes as to elementary school purposes.

(2) Section 186 of the said Act is amended by adding thereto the following subsection:

Exception

(7) This section does not apply to arbitrations under section 136m.

**4.** Section 5 of *The Essex County French-language Secondary School Act, 1977*, being chapter 5, shall not be construed to prevent the conveyance of the School mentioned in the said Act to a Roman Catholic school board.

**5.** Clause 154 (4) (b) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed at the end of the first calendar year in which The Carleton Roman Catholic Separate School Board makes an election that is approved by the Minister of Education under section 136a or 136f of the *Education Act*.

**6.** Subsection 121 (2) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, is further amended,

(a) by adding “and” at the end of clause (c) and by striking out “and” at the end of clause (d); and

(b) by repealing clause (e),

at the end of the first calendar year in which the Metropolitan Separate School Board makes an election that is approved by the Minister under section 136a or 136f of the *Education Act*.

**7.** Sections 136r to 136x of the *Education Act*, as enacted by section 2 of this Act, are repealed on the 1st day of July, 1995. Repeal

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** The short title of this Act is the *Education Amendment Act, 1986*. Short title









Bill 31

An Act to amend the  
Homes for the Aged and Rest Homes Act

Mr. Warner

1st Reading      April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

#### EXPLANATORY NOTE

The purpose of this Bill is to prevent the discharge of a resident from a rest home or a home for the aged without the approval of a physician independent of the home and without ensuring that there are suitable alternative accommodations for the resident. The amendment is similar to the requirements for discharge from a nursing home under the regulations to the *Nursing Homes Act*.

Bill 31

1986

## An Act to amend the Homes for the Aged and Rest Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 19 of the *Homes for the Aged and Rest Homes Act*, being chapter 203 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**19.—**(1) Except as provided in subsection (3), no resident shall be discharged from a home or joint home unless, Discharge of residents from homes

- (a) a discharge order by a physician other than the physician of the home or joint home has been recorded on the medical record;
- (b) arrangements have been made to provide services and accommodation suitable to meet the needs of the resident being discharged; and
- (c) the resident and the resident's next-of-kin or legal representative, as the case may be, have been notified of the proposed discharge twenty-four hours prior to the discharge of the resident from the nursing home.

(2) When a resident of a home or joint home is to be admitted to a hospital and circumstances do not permit the twenty-four hours notice required under clause (1) (c), the next-of-kin or legal representative shall be notified as soon as possible of the proposed discharge of the resident. Exception

(3) A resident who wishes to terminate arrangements for care with a home or joint home may be discharged only after the resident, or where he or she lacks the mental capacity, the resident's legal representative has signed a statement declaring that the resident wishes to leave the nursing home and the res- Consent



ident's next-of-kin or legal representative, as the case may be, has been notified twenty-four hours prior to the discharge.

Commence-  
ment

**2. This Act comes into force on the day it receives Royal Assent.**

Short title

**3. The short title of this Act is the *Homes for the Aged and Rest Homes Amendment Act, 1986*.**

# Bill 32

## **An Act to amend the Tobacco Tax Act**

The Hon. R. Nixon  
*Minister of Revenue*

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*1st Reading*      May 13th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

**SECTION 1.** The effect of the re-enactment of clauses 2 (1) (a) and (b) of the Act is to increase (effective January 1st, 1987) the rate of tax on cigarettes from 2.7 cents per cigarette to 2.83 cents per cigarette and on tobacco, other than cigarettes or cigars, from 1.5 cents per gram to 1.6 cents per gram. Subsection 2 (1) of the Act now reads in part as follows:

*(1) Every consumer shall pay to the Treasurer a tax at the rate of,*

*(a) 2.7 cents on every cigarette purchased by the consumer;*

*(b) 1.5 cents per gram on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by the consumer; and*

**SECTION 2.** The proposed new section 9a of the Act provides for the filing of information returns by tobacco manufacturers, importers and wholesale dealers to assist in the administration and enforcement of the Act.

**Bill 32**

**1986**

**An Act to amend the Tobacco Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses 2 (1) (a) and (b) of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1985, chapter 22, section 2, are repealed and the following substituted therefor:

- (a) 2.83 cents on every cigarette purchased by the consumer;
- (b) 1.6 cents per gram on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by the consumer; and

. . . . .

**2.** The said Act is amended by adding thereto the following section:

**9a.** Every person who is a manufacturer, importer or wholesale dealer of tobacco shall deliver to the Minister, without notice or demand, such returns at such time and in such manner as the regulations prescribe.

Information  
returns

**3.—(1)** This Act, except section 1, comes into force on the day it receives Royal Assent.

Commence-  
ment

**(2)** Section 1 comes into force on the 1st day of January, 1987.

Idem

**4.** The short title of this Act is the *Tobacco Tax Amendment Act, 1986*.

Short title





# Bill 32

(Chapter 41  
*Statutes of Ontario, 1986*)

## **An Act to amend the Tobacco Tax Act**

**The Hon. R. Nixon**  
*Minister of Revenue*

<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 27th, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986



**Bill 32**

**1986**

**An Act to amend the Tobacco Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses 2 (1) (a) and (b) of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1985, chapter 22, section 2, are repealed and the following substituted therefor:

- (a) 2.83 cents on every cigarette purchased by the consumer;
- (b) 1.6 cents per gram on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by the consumer; and

**2.** The said Act is amended by adding thereto the following section:

**9a.** Every person who is a manufacturer, importer or wholesale dealer of tobacco shall deliver to the Minister, without notice or demand, such returns at such time and in such manner as the regulations prescribe.

Information  
returns

**3.—(1)** This Act, except section 1, comes into force on the day it receives Royal Assent.

Commence-  
ment

**(2)** Section 1 comes into force on the 1st day of January, 1987.

Idem

**4.** The short title of this Act is the *Tobacco Tax Amendment Act, 1986*.

Short title





# Bill 33

## **An Act to amend the Planning Act, 1983**

**Mr. Swart**

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

This Bill provides the means to ensure priority in preserving Ontario's best agricultural land for food growing purposes.

**Bill 33**

**1986**

**An Act to amend the Planning Act, 1983**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The *Planning Act, 1983*, being chapter 1 of the Statutes of Ontario, 1983, is amended by adding thereto the following section:

**2a.** The Minister, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro shall, in exercising any authority that affects any planning matter, give priority to the preservation, for agricultural purposes, of all specialty crop lands and of lands designated as Class 1, 2 or 3 by the Canada Land Inventory of Soil Capability.

Preservation  
of  
agricultural  
lands

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *Planning Amendment Act, 1986*.

Short title





# Bill 34

## **An Act to provide for Freedom of Information and Protection of Individual Privacy**

**The Hon. I. Scott**  
*Attorney General*

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

The Bill substantially implements the recommendations of the Report of the Commission on Freedom of Information and Individual Privacy (Williams Report).

**PART I** makes a minister who is to be designated responsible for administration of the Act and establishes the office of Information and Privacy Commissioner. The Commissioner is appointed by the Legislature and the office is set up in a manner similar to the Ombudsman's office.

**PART II** provides a right of access to government information subject only to specified exemptions. Also provided are the procedure to be followed in seeking access and the manner in which access is to be given. Time limits are imposed on the government for answering a request for access and providing the information. Provision is made for protecting those other persons whose privacy or rights might be affected by release of information. Government institutions are required to make information available to the public including how to request information, how the institution runs, what the institution does and guidelines used by the institution in making various decisions. They are also required to make annual reports with regard to the operation of this Act.

**PART III** provides for the protection of individual privacy by regulating the collection and disposal of personal information and regulating the circumstances under which personal information is to be used. Provision is made for organizing personal information into indexed data banks and for noting how personal information may be used. The individual to whom the information relates is given a right of access and a right of correction.

**PART IV** provides for an appeal to the Commissioner from a decision made under the Act. Provision is made for mediation, failing which the Commissioner is to hold an inquiry. Procedural safeguards are provided for the inquiry. The onus is placed on the government to prove that information should not be released. The Commissioner is empowered to make an order after the inquiry.

**PART V** provides for setting fees for the retrieval of information and for waiving those fees under some circumstances. This part also deals with the Commissioner's annual report, additional powers and duties, offences and other general matters.

Bill 34

1986

## An Act to provide for Freedom of Information and Protection of Individual Privacy

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Purposes****1. The purposes of this Act are,**

- (a) to provide a right of access to information under the control of an institution in accordance with the principles that,
  - (i) government information should be available to the public,
  - (ii) necessary exceptions to the right of access should be limited and specific, and
  - (iii) decisions on the disclosure of government information should be reviewed independently of government; and
- (b) to protect the privacy of individuals with respect to personal information about themselves held by an institution and to provide individuals with a right of access to that information.

**Definitions****2. In this Act,**

“data bank” means a collection of personal information which is organized and capable of being retrieved;

“head”, in respect of an institution, means,

- (a) in the case of a ministry, the minister of the Crown who presides over the ministry, and
- (b) in the case of any other institution, the person designated as head of that institution in the regulations;

“Information and Privacy Commissioner” and “Commissioner” mean the Commissioner appointed under subsection 4 (1);

“institution” means,

- (a) a ministry of the Government of Ontario, and
- (b) any agency, board, commission, corporation or other body designated as an institution in the regulations;

“personal information” means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and

- (h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

“record” means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
- (b) subject to the regulations, any record that does not exist but is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution;

“responsible minister” means the minister of the Crown who is designated by order of the Lieutenant Governor in Council under section 3.

## PART I

### ADMINISTRATION

Responsible  
minister

**3.** The Lieutenant Governor in Council may by order designate a minister of the Crown to be the responsible minister for the purposes of this Act.

Information  
and Privacy  
Commis-  
sioner

**4.—(1)** There shall be appointed, as an officer of the Legislature, an Information and Privacy Commissioner to exercise the powers and perform the duties prescribed by this Act.

Appointment

**(2)** The Commissioner shall be appointed by the Lieutenant Governor in Council on the address of the Assembly.

Term and  
removal  
from office

**(3)** The Commissioner shall hold office for a term of five years and may be reappointed for a further term or terms, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly.



(4) The Commissioner may appoint an officer of his or her staff to be Assistant Information and Privacy Commissioner. Assistant Commissioner

5.—(1) The Commissioner shall work exclusively as Commissioner and shall not hold any other office under the Crown or engage in any other employment. Nature of employment

(2) The *Public Service Act* and the *Public Service Superannuation Act* do not apply to the Commissioner. R.S.O. 1980, cc. 418, 419 not to apply

6.—(1) The Commissioner shall be paid a salary to be fixed by the Lieutenant Governor in Council. Salary

(2) The salary of the Commissioner shall not be reduced except on the address of the Assembly. Idem

(3) The Commissioner is entitled to be paid reasonable travelling and living expenses while absent from his or her ordinary place of residence in the exercise of any functions under this Act. Expenses

(4) Part II of the *Legislative Assembly Retirement Allowances Act*, except sections 15 and 16 and subsection 18 (5), applies with necessary modifications to the Commissioner in the same manner as if the Commissioner were a member of the Legislative Assembly and for the purpose, Pension R.S.O. 1980, c. 236

“average annual remuneration” means the average annual salary of the Commissioner during any five years of his or her service, which years need not be consecutive, during which his or her salary was highest;

“remuneration” means the salary of the Commissioner.

7. If, while the Legislature is not in session, the Commissioner dies, resigns or is unable or neglects to perform the functions of the office of Commissioner, the Lieutenant Governor in Council may appoint a Temporary Commissioner to hold office for a term of not more than six months who shall, while in such office, have the powers and duties of the Commissioner and shall be paid such salary or other remuneration and expenses as the Lieutenant Governor in Council may fix. Temporary Commissioner

8.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commissioner may employ mediators and any other officers and employees the Commissioner considers necessary for the efficient operation of the office and may determine their salary and remuneration and terms and conditions of employment. Staff



## Benefits

(2) The employee benefits applicable from time to time to the public servants of Ontario with respect to,

- (a) cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;
- (b) plans for group life insurance, medical-surgical insurance or long term income protection; and
- (c) the granting of leave of absence,

R.S.O. 1980,  
c. 418

apply to the employees of the Commissioner and where such benefits are provided for in regulations made under the *Public Service Act*, the Commissioner, or any person authorized in writing by him or her, may exercise the powers and duties of a minister or deputy minister or of the Civil Service Commission under such regulations.

Employees'  
superan-  
nuation  
benefits  
R.S.O. 1980,  
c. 419

(3) The *Public Service Superannuation Act* applies to the permanent and probationary staff of the Commissioner as though the Commissioner were a commission designated by the Lieutenant Governor in Council under section 28 of that Act.

Premises  
and supplies

**9.**—(1) The Commissioner may lease any premises and acquire any equipment and supplies necessary for the efficient operation of the office of the Commissioner.

Salary and  
expenses

(2) The salary of the Commissioner and the expenses required for the operation of the office are payable out of moneys appropriated therefor by the Legislature.

Audit

(3) The accounts and financial transactions of the office of the Commissioner shall be audited annually by the Provincial Auditor.

## PART II

### FREEDOM OF INFORMATION

#### ACCESS TO RECORDS

Right of  
access

**10.** Every person has a right of access to a record or a part of a record in the custody or under the control of an institution unless the record or the part of the record falls within one of the exemptions under sections 12 to 22.

Obligation  
to disclose

**11.** Despite any other provision of this Act, a head shall, as soon as practicable, disclose any record to the public or

persons affected if the head has reasonable and probable grounds to believe that it is in the public interest to do so and that the record reveals a grave environmental, health or safety hazard to the public.

#### EXEMPTIONS

**12.—**(1) A head shall refuse to disclose a record where the disclosure would reveal the substance of deliberations of an Executive Council, including,

Cabinet  
records

- (a) an agenda, minute or other record of the deliberations or decisions of the Executive Council or its committees;
- (b) a record containing proposals or recommendations submitted, or prepared for submission, to the Executive Council or its committees;
- (c) a record containing background explanations, analyses of problems or policy options submitted or prepared for submission to the Executive Council or its committees for their consideration in making decisions, before those decisions are made and implemented;
- (d) a record used for or reflecting consultation among ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;
- (e) a record prepared to brief a minister of the Crown in relation to matters that are before or are proposed to be brought before the Executive Council or its committees, or are the subject of consultations among ministers relating to government decisions or the formulation of government policy; and
- (f) draft legislation or regulations.

(2) Despite subsection (1), a head shall not refuse to disclose a record under subsection (1) where,

Exception

- (a) the record is more than twenty years old; or
- (b) the Executive Council for which, or in respect of which, the record has been prepared consents to access being given.

Advice to  
government

**13.**—(1) A head may refuse to disclose a record where the disclosure would reveal advice or recommendations of a public servant, any other person employed in the service of an institution or a consultant retained by an institution.

Exception

(2) Despite subsection (1), a head shall not refuse to disclose,

- (a) factual material;
- (b) a statistical survey;
- (c) a report by a valuator, whether or not the valuator is an officer of the institution;
- (d) an environmental impact statement or similar record;
- (e) a report of a test carried out on a product for the purpose of government equipment testing or a consumer test report;
- (f) a report or study on the performance or efficiency of an institution, whether the report or study is of a general nature or is in respect of a particular program or policy;
- (g) a feasibility study or other technical study, including a cost estimate, relating to a government policy or project;
- (h) a report containing the results of field research undertaken before the formulation of a policy proposal;
- (i) a final plan or proposal for the reorganization of the function of an institution, or for the establishment of a new program, including a budgetary estimate for the program, whether or not the plan or proposal is subject to approval, unless the plan or proposal is to be submitted to the Executive Council;
- (j) a report of an interdepartmental committee task force or similar body, or of a committee or task force within an institution, which has been established for the purpose of preparing a report on a particular topic, unless the report is to be submitted to the Executive Council;



- (k) a report of a committee, council or other body which is attached to an institution and which has been established for the purpose of undertaking inquiries and making reports or recommendations to the institution;
- (l) a final decision, order or ruling of an officer of the institution made during or at the conclusion of the exercise of discretionary power conferred by or under an enactment or scheme administered by the institution, whether or not the enactment or scheme allows an appeal to be taken against the decision, order or ruling, and any reason explaining the decision, order or ruling, whether or not the reason,
  - (i) is contained in an internal memorandum of the institution or in a letter addressed by an officer or employee of the institution to a named person, or
  - (ii) was given by the officer who made the decision, order or ruling or was incorporated by reference into the decision, order or ruling.

(3) Despite subsection (1), a head shall not refuse to disclose a record under subsection (1) where the record is more than twenty years old. Idem

**14.—**(1) A head may refuse to disclose a record where the disclosure could reasonably be expected to, Law enforcement

- (a) interfere with a law enforcement matter;
- (b) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (c) reveal investigative techniques and procedures currently in use or likely to be used;
- (d) disclose the identity of a confidential source of information, or disclose information furnished only by the confidential source;
- (e) endanger the life or physical safety of a law enforcement officer or any other person;
- (f) deprive a person of the right to a fair trial or impartial adjudication;



- (g) interfere with the gathering of or reveal intelligence information respecting organizations or persons;
- (h) reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation;
- (i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;
- (j) facilitate the escape from custody of a person who is under lawful detention;
- (k) jeopardize the security of a centre for lawful detention; or
- (l) facilitate the commission of an offence or hamper the control of crime.

Idem

(2) A head may refuse to disclose a record,

- (a) that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law;
- (b) that is a law enforcement record where the disclosure would constitute an offence under an Act of Parliament;
- (c) that is a law enforcement record where the disclosure could reasonably be expected to expose the author of the record or any person who has been quoted or paraphrased in the record to civil liability; or
- (d) that contains information about the history, supervision or release of a person under the control or supervision of a correctional authority.

Refusal to  
confirm or  
deny  
existence  
of record  
Review

(3) A head may refuse to confirm or deny the existence of a record to which subsection (1) or (2) apply.

(4) Where a head refuses to confirm or deny the existence of a record, the person who made the request may appeal to the Commissioner for a review of the head's decision.

**15.** A head may refuse to disclose a record where the disclosure could reasonably be expected to,

Relations  
with other  
governments

- (a) prejudice the conduct of intergovernmental relations by the Government of Canada or an institution;
- (b) reveal information received in confidence from another government or its agencies by an institution; or
- (c) reveal information received in confidence from an international organization of states or a body thereof by an institution,

and shall not disclose any such record without the prior approval of the Executive Council.

**16.** A head may refuse to disclose a record where the disclosure could reasonably be expected to prejudice the defence of Canada or of any foreign state allied or associated with Canada or be injurious to the detection, prevention or suppression of espionage, sabotage or terrorism and shall not disclose any such record without the prior approval of the Executive Council.

Defence

**17.—(1)** A head may refuse to disclose a record that reveals a trade secret or scientific, technical, commercial or financial information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to,

Third party  
information

- (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (b) result in information of the same kind no longer being supplied to the institution, where,
  - (i) the information was supplied to the institution on a confidential basis, and
  - (ii) it is in the public interest that similar information continue to be supplied to the institution; or
- (c) result in undue loss or gain to any person, group, committee or financial institution or agency.

## Exception

(2) Subsection (1) does not apply to a record where the public interest in its disclosure outweighs the interest of any person, group of persons, or organization in its continued confidentiality.

Economic  
and  
other  
interests  
of Ontario

**18.—**(1) A head may refuse to disclose a record that contains,

- (a) trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Ontario or an institution and has monetary value or potential monetary value;
- (b) scientific or technical information obtained through research by an employee of an institution where the disclosure could reasonably be expected to deprive the employee of priority of publication;
- (c) information where the disclosure could reasonably be expected to prejudice the economic interests of an institution or the competitive position of an institution;
- (d) information where the disclosure could reasonably be expected to be injurious to the financial interests of the Government of Ontario or the ability of the Government of Ontario to manage the economy of Ontario;
- (e) positions, plans, procedures, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of an institution or the Government of Ontario;
- (f) plans relating to the management of personnel or the administration of an institution that have not yet been put into operation or made public;
- (g) information including the proposed plans, policies or projects of an institution where the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person.

## Exception

(2) A head shall not refuse under subsection (1) to disclose a record that contains the results of product or environmental testing carried out by or for an institution, unless,



- (a) the testing was done as a service to a person, a group of persons or an organization other than an institution and for a fee; or
- (b) the testing was conducted as preliminary or experimental tests for the purpose of developing methods of testing.

(3) Subsection (1) does not apply to a record where the public interest in its disclosure outweighs the interest of the Government of Ontario in its continued confidentiality. Idem

**19.** A head may refuse to disclose a record that is subject to solicitor-client privilege. Solicitor-client privilege

**20.** A head may refuse to disclose a record where the disclosure could reasonably be expected to seriously threaten the safety or health of an individual. Danger to safety or health

**21.—(1)** A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except, Personal privacy

- (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;
- (b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;
- (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;
- (d) under an Act of Ontario or Canada that expressly authorizes the disclosure;
- (e) for a research purpose if,
  - (i) the use of disclosure is consistent with the conditions or reasonable expectations of use and disclosure under which the personal information was provided, collected or obtained,
  - (ii) the research purpose for which the disclosure is to be made cannot be reasonably accom-



plished unless the information is provided in individually identifiable form, and

(iii) terms and conditions relating to,

(A) security and confidentiality,

(B) the removal or destruction of the individual identifier or identifiers associated with the record at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research or statistical project, and

(C) the prohibition of any subsequent use or disclosure of the record in individually identifiable form without the express authorization of the institution,

have been approved by the responsible minister and the person obtaining the record has filed with the responsible minister a written statement indicating that the person understands and will abide by the terms and conditions; or

(f) if the disclosure does not constitute an unjustified invasion of personal privacy.

Criteria re  
invasion of  
privacy

(2) A person, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider whether,

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny;

(b) access to the personal information may promote public health and safety;

(c) access to the personal information will promote informed choice in the purchase of goods and services;

(d) the personal information is relevant to a fair determination of rights affecting the person who made the request;

(e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;

- (f) the personal information is highly sensitive;
- (g) the personal information is unlikely to be accurate or reliable;
- (h) the personal information has been supplied by the individual to whom the information relates in confidence; and
- (i) the disclosure may unfairly damage the reputation of any person referred to in the record,

and shall take into account any other relevant circumstance.

(3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,

Presumed  
invasion  
of privacy

- (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation, except for personal information confirming an individual's presence in a health care facility;
- (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;
- (c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;
- (d) relates to employment history;
- (e) was obtained on an income tax return or similar return or gathered by an institution for the purpose of collecting an income tax or similar tax;
- (f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;
- (g) consists of personal recommendations or evaluations, character references or personnel evaluations; or
- (h) indicates the individual's racial or ethnic origin or religious or political beliefs and associations.

(4) Despite subsection (3), clause (1) (f) does not apply to a record which,

Limitation

- (a) discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution or a member of the staff of a minister;
- (b) discloses financial or other details of a contract for personal services between an individual and an institution; or
- (c) discloses details of a licence or permit or a similar discretionary financial benefit conferred on an individual by an institution or a head under circumstances where,
  - (i) the individual represents 1 per cent or more of all persons and organizations in Ontario receiving a similar benefit, and
  - (ii) the value of the benefit to the individual represents 1 per cent or more of the total value of similar benefits provided to other persons and organizations in Ontario.

Information  
soon to be  
published

**22.** A head may refuse to disclose a record where,

- (a) the record or the information contained in the record has been published or is currently available to the public; or
- (b) the head believes on reasonable grounds that the record or the information contained in the record will be published by an institution within ninety days after the request is made or within such further period of time as may be necessary for printing or translating the material for the purpose of printing it.

Severability  
of record

**23.** Where an institution receives a request for access to a record that falls under one of the exemptions under sections 12 to 22 and that record contains information which, if it were a separate record, would be required to be disclosed, the head shall release the information that would be required to be disclosed unless the information that falls under one of the exemptions is not reasonably severable from the whole record.

ACCESS PROCEDURE

Request

**24.—(1)** A person seeking access to a record shall make a request therefor in writing to the institution that the person



believes has custody or control of the record and shall provide sufficient detail to enable an experienced employee of the institution, upon a reasonable effort, to identify the record.

(2) If the request does not sufficiently describe the record sought, the institution shall inform the applicant of the defect and shall offer assistance in reformulating the request so as to comply with subsection (1). Sufficiency of detail

**25.—**(1) Where an institution receives a request for access to a record that the institution does not have in its custody or under its control, the head shall make all necessary inquiries to determine whether another institution has custody or control of the record, and where the head determines that another institution has custody or control of the record, the head shall within 15 days after the request is received, Request to be forwarded

- (a) forward the request to the other institution; and
- (b) give written notice to the person who made the request that it has been forwarded to the other institution.

(2) Where an institution receives a request for access to a record and the head considers that another institution has a greater interest in the record, the head may transfer the request and, if necessary, the record to the other institution, within fifteen days after the request is received, in which case the head transferring the request shall give written notice of the transfer to the person who made the request. Transfer of request

(3) For the purpose of subsection (2), an institution has a greater interest in a record than another institution if, Greater interest

- (a) the record was originally produced in or for the other institution; or
- (b) in the case of a record not originally produced in or for an institution, the other institution was the first institution to receive the record or a copy thereof.

(4) Where a request is forwarded or transferred under subsection (1) or (2), the request shall be deemed to have been made to the institution to which it is forwarded or transferred on the day the institution to which the request was originally made received it. When transferred request deemed made

**26.** Where a person requests access to a record, the head of the institution to which the request is made or if a request is forwarded or transferred under section 25, the head of the Notice by head



institution to which it is forwarded or transferred, shall, subject to sections 27 and 28, within thirty days after the request is received,

- (a) give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and
- (b) if access is to be given, give the person who made the request access to the record or part thereof, or where necessary cause the record to be produced.

Extension  
of time

**27.**—(1) A head may extend the time limit set out in subsection 25 (1) or (2) or section 26 for a period of time that is reasonable in the circumstances, where,

- (a) the request is for a large number of records or necessitates a search through a large number of records and meeting the time limit set out in subsection 25 (1) or (2) or section 26 would unreasonably interfere with the operations of the institution; or
- (b) consultations that cannot reasonably be completed within the time limit set out in subsection 25 (1) or (2) or section 26 are necessary to comply with the request.

Notice of  
extension

(2) Where a head extends the time limit under subsection (1), the head shall give the person who made the request written notice of the extension setting out,

- (a) the length of the extension;
- (b) the reason for the extension; and
- (c) that the person who made the request may ask the Commissioner to review the extension.

Notice to  
affected  
person

**28.**—(1) Before a head grants a request for access to a record,

- (a) that the head has reason to believe might contain information referred to in subsection 17 (1) that affects the interest of a person other than the person requesting information; or
- (b) that is personal information coming within the exception in clause 21 (1) (f),

the head shall, where practicable, within thirty days after the request for access is received, give written notice in accordance with subsection (2) to the person to whom the information relates.

(2) The notice shall contain,

Contents  
of notice

- (a) a statement that the head intends to release a record or part thereof that may affect the interests of the person;
- (b) a description of the contents of the record or part thereof that relate to the person; and
- (c) a statement that the person may, within twenty days after the notice is given, make representations to the head as to why the record or part thereof should not be disclosed.

(3) A head may extend the time set out in subsection (1) in respect of a request under this Act where the time limit set out in section 26 is extended under section 27 in respect of the same request, but no extension period under this subsection shall exceed the period of the extension under section 27.

Extension  
of time

(4) Where a head gives notice to a person under subsection (1), the head shall also give the person who made the request written notice of delay, setting out,

Notice of  
delay

- (a) that the record or part thereof may affect the interests of another party;
- (b) that the other party is being given an opportunity to make representations concerning disclosure; and
- (c) that the head will after twenty-one days decide whether or not to disclose the record.

(5) Where a notice is given under subsection (1), the person to whom the information relates may, within twenty days after the notice is given, make representations to the head as to why the record or the part thereof should not be disclosed.

Representa-  
tion  
re disclosure

(6) Representations under subsection (5) shall be made in writing unless the head permits them to be made orally.

Representa-  
tion  
in writing

(7) The head shall, within thirty days after the notice under subsection (1) is given, but not before the earlier of,

Decision re  
disclosure

- (a) the day the response to the notice from the person to whom the information relates is received; or
- (b) twenty-one days after the notice is given,

decide whether or not to disclose the record or the part thereof and give written notice of the decision to the person to whom the information relates and the person who made the request.

Notice of  
head's  
decision  
to disclose

(8) Where a head decides to disclose a record or part thereof under subsection (7), the head shall state in the notice that,

- (a) the person to whom the information relates may ask the Commissioner to review the decision within twenty days after the notice is given; and
- (b) the person who made the request will be given access thereto or to a part thereof, unless within twenty days after the notice is given, a review of the decision is requested.

Access to be  
given unless  
affected  
person  
appeals

(9) Where, under subsection 27 (7), the head decides to disclose the record or a part thereof, the head shall give the person who made the request access to the record or part thereof twenty days after notice is given under subsection 27 (7), unless the person to whom the information relates asks the Commissioner to review the decision.

Contents of  
notice of  
refusal

**29.—(1)** Where a head refuses to give access to a record or a part thereof under section 25, the head shall state in the notice given under section 26,

- (a) where the record does not exist or cannot be produced, that it does not exist or cannot be produced; or
- (b) where the record exists or can be produced,
  - (i) the specific provision of this Act under which access is refused,
  - (ii) the reason the provision named in subclause (i) applies to the record,
  - (iii) the name and office of the person responsible for making the decision to refuse access, and



- (iv) that the person who made the request may appeal to the Commissioner for a review of the decision.

(2) Despite subsection (1), where a head refuses to confirm or deny the existence of a record under subsection 14 (1) or (2) (law enforcement exemption), the head shall state in the notice given under section 26, Idem

- (a) that under subsection 14 (3) the head refuses to confirm or deny the existence of a record;
- (b) the name and office of the person responsible for making the decision; and
- (c) that the person who made the request may appeal to the Commissioner for a review of the decision.

(3) Where a head refuses to disclose a record or part thereof under subsection 28 (7), the head shall state in the notice given under subsection 28 (7), Idem

- (a) the specific provision of this Act under which access is refused;
- (b) the reason the provision named in clause (a) applies to the record;
- (c) the name and office of the person responsible for making the decision to refuse access; and
- (d) that the person who made the request may appeal to the Commissioner for a review of the decision.

(4) Where a head fails to comply with section 26 or subsection 28 (7), the head is, for the purposes of this Act, deemed to have refused to give access to the record. Deemed refusal

**30.**—(1) Subject to subsections (2) and (3), a person who is given access to a record or a part thereof under this Act shall be given a copy thereof unless it would not be reasonably practicable to reproduce the record or part thereof by reason of its length or nature, in which case the person shall be given an opportunity to examine the record or part thereof in accordance with the regulations. Copy of record

(2) A head has discretion to allow the person who is given access to the record to examine it or a part thereof in accordance with the regulations. Access to original record



Idem

(3) Where a person requests the opportunity to examine a record or a part thereof for the purpose of selecting those portions that the person wishes to have copied, and it is reasonably practicable to give the person that opportunity, the head shall allow the person to examine the record or part thereof in accordance with the regulations.

## INFORMATION TO BE PUBLISHED OR AVAILABLE

Publication  
of  
information  
re institutions

**31.** The Lieutenant Governor in Council shall cause to be published annually a compilation listing all institutions and, in respect of each institution, setting out,

- (a) where a request for a record should be made;
- (b) where the material referred to in sections 32, 33 and 34 has been made available; and
- (c) whether the institution has a library or reading room which is available for public use, and if so, its address.

Operation of  
institutions

**32.** A head shall make available for inspection and copying by the public, at an office of the institution and at another government office or a public library, a fully indexed compilation containing,

- (a) a description of the organization and responsibilities of the institution including details of the programs and functions of each division or branch of the institution;
- (b) a list of the general classes or types of records prepared by or in the custody or control of the institution;
- (c) the title, business telephone number and business address of the head of the institution; and
- (d) any amendment of information referred to in clause (a), (b) or (c) which has been made available in accordance with this section.

Institution  
documents

**33.—(1)** A head shall make available, in the manner described in section 32, any document which has been prepared by the institution and issued to officers of the institution and which contains,

- (a) interpretations of the provisions of any enactment or scheme administered by the institution where the

interpretations are to be applied by, or are to be guidelines for, any officer who determines,

- (i) an application by a person for a right, privilege or benefit which is conferred by the enactment or scheme,
  - (ii) whether to suspend, revoke or impose new conditions on a right, privilege or benefit already granted to a person under the enactment or scheme, or
  - (iii) whether to impose an obligation or liability on a person under the enactment or scheme; or
- (b) instructions to, and guidelines for, officers of the institution on the procedures to be followed, the methods to be employed or the objectives to be pursued in their administration or enforcement of the provisions of any enactment or scheme administered by the institution that affects the public.

(2) A head may delete from a document made available under subsection (1) any record or part of a record which the head would be entitled to refuse to disclose where the head includes in the document, Deletions

- (a) a statement of the fact that a deletion has been made;
- (b) a brief statement of the nature of the record which has been deleted; and
- (c) a reference to the provision of this Act on which the head relies.

(3) Subsections (1) and (2) apply to amendments to documents. Amendments

**34.**—(1) A head shall make an annual report, in accordance with subsection (2), to the Commissioner. Annual report of head

(2) A report made under subsection (1) shall specify, Contents of report

- (a) the number of requests for access to records made to the institution;
- (b) the number of refusals by the head to disclose a document, the provisions of this Act under which

disclosure was refused and the number of occasions on which each provision was invoked;

- (c) the number of applications to the Commissioner for review of a refusal to disclose a document and the number of applications for review of a decision by the head to charge a fee or of the amount of the fee under section 53;
- (d) the amount of fees collected by the institution under section 53;
- (e) the location of any reading room or other facility provided by the institution for the use of a person wishing to inspect or copy a document possessed by the institution; and
- (f) any other information indicating an effort by the institution to put into practice the purposes of this Act.

### PART III

#### PROTECTION OF INDIVIDUAL PRIVACY

##### COLLECTION AND RETENTION OF PERSONAL INFORMATION

###### Definition

**35.**—(1) In this section and in section 36, “personal information” includes information that is not recorded and that is otherwise defined as “personal information” under this Act.

###### Collection of personal information

(2) No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.

###### Manner of collection

**36.**—(1) Personal information shall only be collected by an institution directly from the individual to whom the information relates unless,

- (a) the individual authorizes another manner of collection;
- (b) the personal information may be disclosed to the institution concerned under section 39;
- (c) the Commissioner has authorized the manner of collection under clause 55 (c);



- (d) the information is in a report from a reporting agency in accordance with the *Consumer Reporting Act*; R.S.O. 1980,  
c. 89
- (e) the information is collected for the purpose of the conduct of a proceeding in a court or judicial or quasi-judicial tribunal; or
- (f) the information is collected for the purpose of law enforcement.

(2) Where personal information is collected on behalf of an institution, the head shall, unless notice is waived by the responsible minister, inform the individual to whom the information relates of, Notice to  
individual

- (a) the legal authority for the collection;
- (b) the principal purpose or purposes for which the personal information is intended to be used; and
- (c) the title, business address and business telephone number of a public official who can answer the individual's questions about the collection.

(3) Subsection (2) does not apply where the personal information can be classified as an exemption under subsection 14 (1) or (2) (law enforcement). Exception

**37.—**(1) Personal information that has been used by an institution shall be retained after use by the institution for the period prescribed by regulation in order to ensure that the individual to whom it relates has a reasonable opportunity to obtain access to the personal information. Retention  
of personal  
information

(2) The head of a public institution shall ensure that personal information on the records of the institution is not used unless it is reasonably accurate and up to date. Standard  
of accuracy

(3) Subsection (2) does not apply to personal information collected for law enforcement purposes, Exception

- (a) where the recipient works for an institution involved in law enforcement; or
- (b) where the head of the institution informs the recipient of the information that it may not be reliable.

(4) A head shall dispose of personal information under the control of the institution in accordance with the regulations Disposal of  
personal  
information



and in accordance with any directives or guidelines issued by the responsible minister.

#### USE AND DISCLOSURE OF PERSONAL INFORMATION

Use of  
personal  
information

**38.** Personal information under the control of an institution shall not be used by the institution without the consent of the individual to whom the information relates except,

- (a) for the purpose for which it was obtained or compiled or for a use consistent with the purpose; or
- (b) for a purpose for which the information may be disclosed to the institution under section 39.

Where  
disclosure  
permitted

**39.—**(1) A head may disclose personal information under the control of the institution,

- (a) in accordance with Part II;
- (b) where disclosure is made to an officer or employee of the institution who needs the record in the performance of his or her duties and where disclosure is necessary and proper in the discharge of the institution's functions;
- (c) for the purpose of complying with an Act of the Legislature or an Act of Parliament or a treaty, agreement or arrangement thereunder;
- (d) where disclosure is by a law enforcement institution to a law enforcement institution in a foreign country under a written agreement, treaty or legislative authority or to another law enforcement institution in Canada;
- (e) where disclosure is to an institution to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (f) in compelling circumstances affecting the health or safety of an individual if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;
- (g) in compassionate circumstances, to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased;

- (h) to a member of the Legislative Assembly who has been authorized by a constituent to whom the information relates to make an inquiry on the constituent's behalf or, where the constituent is incapacitated, has been authorized by the next of kin or legal representative of the constituent;
- (i) to the Provincial Auditor;
- (j) to the Ombudsman;
- (k) to the responsible minister;
- (l) to the Information and Privacy Commissioner;
- (m) to the Government of Canada in order to facilitate the auditing of shared cost programs;
- (n) to the Archives of Ontario; and
- (o) to Statistics Canada.

(2) A head shall retain a copy of every request received by the institution under clause (1) (d) for the period of time as may be prescribed by regulation and shall, upon the request of the responsible minister, make the copy available to the responsible minister.

Retention of  
requests  
re law  
enforcement

#### DATA BANKS

**40.** A head shall cause to be included in a data bank all personal information under the control of the institution that,

Data  
banks

- (a) has been used, is being used or is available for use;  
or
- (b) is organized or intended to be retrieved by the individual's name or by an identifying number, symbol or other particular assigned to the individual.

**41.—(1)** The responsible minister shall publish at least once each year an index of all data banks containing personal information setting forth, in respect of each data bank,

Personal  
information  
data bank  
index

- (a) its name and location;
- (b) the legal authority for its establishment;
- (c) the types of personal information maintained in it;

- (d) the principal uses of the personal information and the categories of users to whom disclosures from the system are typically made;
- (e) any other uses and purposes for which personal information in the data bank is used or disclosed on a regular basis;
- (f) the categories of individuals for whom records are maintained in the system;
- (g) the policies and practices applicable to the system with respect to storage, retrievability, access controls, retention and disposal of personal information maintained in the system; and
- (h) the title, business address and business telephone number of the official responsible for the operation of the data bank.

Availability  
of index

(2) The responsible minister shall cause the index referred to in subsection (1) to be made available for inspection to the public as prescribed by regulation in conformity with the principle that every person is entitled to reasonable access to the index.

Retention of  
record of use

**42.**—(1) A head shall retain a record of any use by the institution of personal information contained in a personal data bank and of any use or purpose for which the information is disclosed where the use or purpose is not included in the statements of uses and purposes set forth under clauses 41 (1) (d) and (e) and shall attach or link the record of use to the personal information.

Record of  
use part of  
personal  
information

(2) A record retained under subsection (1) forms part of the personal information to which it is attached or linked.

Notice and  
publication

(3) Where the personal information in a data bank under the control of an institution is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled by the institution but the use is not one of the uses included under clauses 41 (1) (d) and (e), the head shall,

- (a) forthwith notify the responsible minister of the use or disclosure; and
- (b) ensure that the use is included in the next statement of consistent uses set forth in the index.



RIGHT OF INDIVIDUAL TO WHOM PERSONAL INFORMATION  
RELATES TO ACCESS AND CORRECTION

**43.**—(1) Every individual has a right of access to,

Right of  
access to  
personal  
information

- (a) any personal information about the individual contained in a data bank under the control of an institution; and
- (b) any other personal information about the individual under the control of an institution with respect to which the individual is able to provide sufficiently specific information to render it reasonably retrievable by the institution.

(2) Every individual who is given access under subsection (1) to personal information is entitled to,

Right of  
correction

- (a) request correction of the personal information where the individual believes there is an error or omission therein;
- (b) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made; and
- (c) require that any person or body to whom the personal information has been disclosed within the year before the time a correction is requested or a statement of disagreement is required be notified of the correction or statement of disagreement.

**44.**—(1) An individual seeking access to personal information about the individual shall make a request therefor in writing to the institution that the individual believes has control of the personal information and shall identify the data bank or otherwise identify the location of the personal information.

Request

(2) Subsection 24 (2) and sections 23, 25, 26, 27 and 28 apply with necessary modifications to a request made under subsection (1).

Access  
procedures

(3) Subject to the regulations, where an individual is to be given access to personal information requested under subsection (1), the head shall,

Manner  
of access

- (a) permit the individual to examine the personal information; or
- (b) provide the individual with a copy thereof.



Compre-  
hensible  
form

(4) Where access to personal information is to be given, the head shall ensure that the personal information is provided to the individual in a comprehensible form and in a manner which indicates the general terms and conditions under which the personal information is stored and used.

Exemptions

**45.** A head may refuse to disclose personal information,

- (a) to which section 12, 13, 14, 15, 16, 17, 18, 19, 20 or 22 apply;
- (b) where the disclosure would constitute an unwarranted invasion of another individual's personal privacy;
- (c) that is evaluative or opinion material compiled solely for the purpose of determining suitability, eligibility or qualifications for employment or for the awarding of government contracts and other benefits where the disclosure would reveal the identity of a source who furnished information to the institution in circumstances where it may reasonably have been assumed that the identity of the source would be held in confidence;
- (d) that is medical information where the disclosure could reasonably be expected to prejudice the mental or physical health of the individual;
- (e) that is a correctional record where the disclosure could reasonably be expected to,
  - (i) seriously disrupt an individual's institutional, parole or mandatory supervision program,
  - (ii) reveal information supplied in confidence, or
  - (iii) result in physical or other harm to the individual or another person; or
- (f) that is a research or statistical record.

## PART IV

### APPEAL

Right to  
appeal

**46.—**(1) A person who has made a request for,

- (a) access to a record under subsection 24 (1);

- (b) access to personal information under subsection 44 (1); or
- (c) correction of personal information under subsection 43 (2),

or a person who is given notice of a request under subsection 28 (1) may appeal any decision of a head under this Act to the Commissioner but the exercise of the discretion of a head to disclose or refuse to disclose a record which is found to be included under an exemption in section 13, 14, 15, 16, 17, 18, 19, 20 or 22 is not appealable.

(2) An appeal under subsection (1) shall be made within thirty days after the notice was given of the decision appealed from by filing with the Commissioner written notice of appeal.

Time for  
application

(3) Upon receiving a notice of appeal, the Commissioner shall inform the head of the institution concerned and any other affected person of the notice of appeal.

Notice of  
application  
for appeal

(4) The *Ombudsman Act* does not apply in respect of a complaint for which an appeal is provided under this Act or to the Commissioner or the Commissioner's delegate acting under this Act.

Application  
of  
R.S.O. 1980,  
c. 325

**47.** The Commissioner may authorize a mediator to investigate the circumstances of any appeal and to try to effect a settlement of the matter under appeal.

Mediator to  
try to effect  
settlement

**48.—**(1) Where a settlement is not effected under section 47, the Commissioner shall conduct an inquiry to review the head's decision.

Inquiry

(2) The *Statutory Powers Procedure Act* does not apply to an inquiry under subsection (1).

R.S.O. 1980,  
c. 484  
not to apply

(3) The inquiry may be conducted in private.

Inquiry in  
private

(4) In an inquiry, the Commissioner may require to be produced to the Commissioner and may examine any record that is in the custody or under the control of an institution, despite Parts II and III of this Act or any other Act or privilege, and may enter and inspect any premises occupied by an institution for the purposes of the investigation.

Powers of  
Commis-  
sioner

(5) The Commissioner shall not retain any information obtained from a record under subsection (4).

Record not  
retained by  
Commis-  
sioner

Examination  
on site

(6) Despite subsection (4), a head may require that the examination of a record by the Commissioner be of the original at its site.

Notice of  
entry

(7) Before entering any premises under subsection (4), the Commissioner shall notify the head of the institution occupying the premises of his or her purpose.

Examination  
under oath

(8) The Commissioner may summon and examine on oath any person who, in the Commissioner's opinion, has information relating to the inquiry, and for that purpose the Commissioner may administer an oath.

Evidence  
privileged

(9) Anything said or any information supplied or any document or thing produced by a person in the course of an inquiry by the Commissioner under this Act is privileged in the same manner as if the inquiry were a proceeding in a court.

## Protection

(10) Except on the trial of a person for perjury in respect of his or her sworn testimony, no statement made or answer given by that or any other person in the course of an inquiry by the Commissioner is admissible in evidence in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Commissioner shall be given against any person.

Idem under  
R.S.C. 1970,  
c. E-10

(11) A person giving a statement or answer in the course of an inquiry before the Commissioner shall be informed by the Commissioner of his or her right to object to answer any question under section 5 of the *Canada Evidence Act*.

## Prosecution

(12) No person is liable to prosecution for an offence against any Act, other than this Act, by reason of his or her compliance with a requirement of the Commissioner under this section.

Represent-  
ations

(13) The person who requested access to the record, the head of the institution concerned and any affected party shall be given an opportunity to make representations to the Commissioner, but no person is entitled to be present during, to have access to or to comment on representations made to the Commissioner by any other person.

Right to  
counsel

(14) The person who requested access to the record, the head of the institution concerned and any affected party may be represented by counsel or an agent.



**49.** The onus in an inquiry is on the head to prove that a report or part of a report falls within one of the specified exemptions in this Act. Onus

**50.**—(1) After all of the evidence for an inquiry has been received, the Commissioner shall make an order disposing of the issues raised by the appeal. Order

(2) The Commissioner's order may contain any terms and conditions the Commissioner considers appropriate. Terms and conditions

(3) The Commissioner shall give the appellant and the persons who received notice of the appeal under subsection 46 (3) written notice of the order. Notice of order

**51.**—(1) The Commissioner or any person acting on behalf of or under the direction of the Commissioner shall not disclose any information that comes to their knowledge in the performance of their powers, duties and functions under this Act. Confidentiality

(2) The Commissioner or any person acting on behalf of or under the direction of the Commissioner is not compellable to give evidence in a court or in a proceeding of a judicial nature concerning anything coming to their knowledge in the exercise or performance of a power, duty or function under this Act. Not compellable witness

(3) No proceeding lies against the Commissioner or against any person acting on behalf of or under the direction of the Commissioner for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of a power, duty or function under this Act. Proceedings privileged

**52.**—(1) The Commissioner may in writing delegate a power or duty granted or vested in the Commissioner to an officer or officers of the Commission, except the power to delegate under this section, subject to such limitations, restrictions, conditions and requirements as the Commissioner may set out in the delegation. Delegation by Commissioner

(2) The Commissioner shall not delegate to a person other than the Assistant Information and Privacy Commissioner his or her power to require a record referred to in section 12 or 14 to be produced and examined. Exception re records under s. 12 or 14



## PART V

## GENERAL

## Costs

**53.**—(1) Where no provision is made for a charge or fee under any other Act, a head may require the person who makes a request for access to a record or for correction of a record to pay,

- (a) a search charge for every hour of manual search required in excess of two hours to locate a record;
- (b) the costs of preparing the record for disclosure;
- (c) computer and other costs incurred in locating, retrieving, processing and copying a record; and
- (d) shipping costs.

Estimate  
of costs

(2) The head of a public institution shall, before giving access to a record, give the person requesting access a reasonable estimate of any amount that will be required to be paid under this Act that is over \$25.

Waiver of  
payment

(3) A head may waive the payment of all or any part of an amount required to be paid under this Act where, in the head's opinion, it is fair and equitable to do so after considering,

- (a) the extent to which the actual cost of processing, collecting and copying the record varies from the amount of the payment required by subsection (1);
- (b) whether the payment will cause a financial hardship for the person requesting the record;
- (c) whether dissemination of the record will benefit public health or safety;
- (d) the amount of the costs together with the fact that the record contains personal information relating to the person who requested it; and
- (e) any other matter prescribed in the regulations.

## Review

(4) A person who is required to pay a fee under subsection (1) may ask the Commissioner to review the head's decision to charge a fee or the amount of the fee.

(5) The costs provided in this section shall be paid and disposed in the manner prescribed in the regulations. Disposition of payments

**54.**—(1) The Commissioner shall make an annual report, in accordance with subsection (2), to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. Annual report of Commissioner

(2) A report made under subsection (1) shall contain, Contents of report

- (a) a summary of the nature and ultimate resolutions of appeals carried out under subsection 46 (1);
- (b) an assessment of the extent to which institutions are complying with this Act; and
- (c) the Commissioner's recommendations with respect to the practices of particular institutions and with respect to proposed revisions to the Act and regulations.

**55.** The Commissioner may,

Powers and duties of Commissioner

- (a) offer comment on the privacy protection implications of proposed legislative schemes or government programs;
- (b) after hearing the head, order an institution to,
  - (i) cease a collection practice, and
  - (ii) destroy collections of personal information, that contravene this Act;
- (c) in appropriate circumstances, authorize the collection of personal information otherwise than directly from the individual;
- (d) engage in or commission research into issues affecting the purposes of this Act; and
- (e) receive representations from the public concerning the operation of this Act.

**56.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) respecting the procedures for access to original records under section 30;
- (b) respecting the procedures for access to personal information under subsection 44 (3);
- (c) respecting what records can be produced and how they are to be produced from machine readable records;
- (d) setting standards for and requiring administrative, technical and physical safeguards to ensure the security and confidentiality of records and personal information under the control of institutions;
- (e) setting standards for the accuracy and completeness of personal information that is under the control of an institution;
- (f) prescribing time periods for the purposes of subsections 37 (1) and 39 (2);
- (g) prescribing the payment and allocation of fees received under section 53;
- (h) prescribing matters to be considered in determining whether to waive all or part of the costs required under section 53;
- (i) designating any agency, board, commission, corporation or other body as an institution and designating a head for each such institution;
- (j) designating institutions not relieved of liability in respect of a tort under subsection 58 (4);
- (k) respecting any matter the Lieutenant Governor in Council considers necessary to carry out effectively the purposes of this Act.

**Offences****57.—(1)** No person shall,

- (a) wilfully disclose personal information in contravention of this Act;
- (b) wilfully maintain a data bank that contravenes this Act; or
- (c) obtain or attempt to obtain personal information under false pretences in contravention of this Act.



(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000. Penalty

**58.**—(1) A head may in writing delegate a power or duty granted or vested in the head to an officer or officers of the institution subject to such limitations, restrictions, conditions and requirements as the head may set out in the delegation. Delegation of head's powers

(2) No action or other proceeding lies against a head, or against a person acting on behalf or under the direction of the head, for damages resulting from the disclosure or non-disclosure in good faith of a record or any part of a record under this Act, or from the failure to give a notice required under this Act if reasonable care is taken to give the required notice. Protection from civil proceeding

(3) Subsection (2) does not by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act* relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (2) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (2) had not been enacted. Vicarious liability of Crown preserved  
R.S.O. 1980, c. 393

(4) Subsection (2) does not relieve an institution that is designated by the regulations for the purposes of this section of liability in respect of a tort committed by a person mentioned in subsection (2) to which it would otherwise be subject and the institution is liable for any such tort in a like manner as if subsection (2) had not been enacted. Vicarious liability of certain institutions preserved

**59.**—(1) This Act does not impose any limitation on the information otherwise available by law to a party to litigation. Crown privilege

(2) This Act does not affect the power of a court or a tribunal to compel a witness to testify or compel the production of a document. Powers of courts and tribunals

**60.**—(1) The Standing Committee on Procedural Affairs shall undertake a comprehensive review of all confidentiality provisions contained in Acts in existence on the day this Act comes into force and shall make recommendations to the Legislative Assembly regarding, Review of other Acts

(a) the repeal of unnecessary or inconsistent provisions; and

(b) the amendment of provisions that do not conform to the purposes of this Act.



## Other Acts

(2) This Act prevails over a confidentiality provision in any other Act unless the other Act specifically provides otherwise.

## Idem

(3) Subsection (2) shall not have effect until two years after this section comes into force.

Review of  
this Act

**61.** The Standing Committee on Procedural Affairs shall, within three years after proclamation of this Act, undertake a comprehensive review of this Act and shall, within one year after beginning that review, make recommendations to the Legislative Assembly regarding amendments to this Act.

**62.** Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after "legally" in the third line of the form of oath contained therein "authorized or".

## Application

**63.** This Act applies to any record in the custody or under the control of an institution regardless of whether it was recorded before or after this Act comes into force.

## Crown bound

**64.** This Act binds the Crown.

Commence-  
ment

**65.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

## Short title

**66.** The short title of this Act is the *Freedom of Information and Protection of Privacy Act, 1986*.

# Bill 35

## **An Act to amend the Education Act**

**Mr. Grande**

---

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

Sections 34, 35 and 36 of the Act, which deal with the placement of hard to serve pupils, are replaced by a new section 34 that places a duty on boards to provide appropriate educational programs for all children and gives parents and pupils a right of appeal to the Ontario Special Education Board from all decisions of placement committees.

**Bill 35****1986****An Act to amend the Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Sections 34, 35 and 36 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

**34.—(1)** In this section,

Definitions

“appropriate special education program and services”, when used in reference to a pupil, means a special education program and services that,

- (i) are implemented in accordance with an individual education plan prepared for the pupil,
- (ii) are based on a proper assessment of the pupil's needs,
- (iii) give the pupil an opportunity to benefit,
- (iv) are suitable for the pupil,
- (v) are evaluated periodically,
- (vi) are equivalent to the educational programs and services offered to pupils who are not exceptional pupils, and
- (vii) are offered in a proper educational setting and in the least restrictive manner possible;

“Board” means the Ontario Special Education Board established by subsection (5);

“hard to serve pupil” means an exceptional pupil who suffers from a mental handicap or a mental and one or more addi-



tional handicaps and for whom care and treatment are primary educational needs that cannot be met by any board;

“placement committee” means a committee of a board established to make and review placements of exceptional pupils.

Placement  
committee

(2) Where a teacher, principal, parent or pupil considers that a pupil is an exceptional pupil, that pupil shall be referred to a placement committee.

Duties

(3) A placement committee shall,

- (a) determine whether a pupil is an exceptional pupil;
- (b) determine, designate or design an appropriate special education program and services for the exceptional pupil;
- (c) review annually the special education program and services offered each exceptional pupil; and
- (d) refer a hard to serve pupil for whom no appropriate program and services are available to the Board.

Appeal

(4) A parent and pupil may appeal to the Board as of right any determination of a placement committee.

Ontario  
Special  
Education  
Board

(5) The Ontario Special Education Board is hereby established.

Composition

(6) The Board shall be composed of a chairman, one or more vice-chairmen and as many members equal in number representative of boards and provincial associations or organizations of parents as the Lieutenant Governor in Council considers proper, all of whom shall be appointed by the Lieutenant Governor in Council.

Quorum

(7) The chairman or a vice-chairman, one member representing boards and one member representing provincial associations or organizations of parents are a quorum.

Panels

(8) The Board may sit in two or more panels simultaneously so long as a quorum of the Board is present in each panel.

Powers and  
duties of  
Board

(9) The Board shall exercise the powers and perform the duties conferred or imposed upon it by or under this Act.

Idem

(10) Without limiting the generality of subsection (9), the Board shall,

- (a) hear and determine appeals by parents and pupils from decisions of placement committees;
- (b) determine, designate or design an appropriate special education program and services for each hard to serve pupil referred to it by a placement committee; and
- (c) review annually the appropriate special education program and services offered to each hard to serve pupil until the pupil attains the age of twenty-one years.

(11) In the exercise of its powers under clauses (10) (b) and (c), the Board, with the parents' consent, may obtain and consider the report of an assessment of the hard to serve pupil conducted by a person considered by the Board to be competent for the purpose. Idem

(12) Where, after a hearing, the Board has reviewed the decision of a placement committee, the Board may, Powers

- (a) affirm the decision;
- (b) rescind the decision and direct the placement committee to make another decision that the placement committee is authorized to make under this Act and the regulations and that the Board considers proper; or
- (c) rescind the decision and determine, designate or design an appropriate special education program and services for the exceptional pupil.

(13) In the exercise of its powers under clauses (10) (b) and (c) and clause (12) (c), the Board may order a board to purchase a special education program and services from another board, from a centre, facility, home, hospital or institution that is approved, designated, established, licensed or registered under any Act, or from any other person. Purchase of service

(14) The *Statutory Powers Procedure Act* applies to all proceedings of the Board. Application of  
R.S.O. 1980,  
c. 484

(15) Without limiting the generality of subsection (14), the following code of procedure applies to all proceedings of a placement committee and of the Board: Code of procedure

1. Parents and pupils shall be given reasonable notice in writing of the placement committee's meeting or the Board's hearing, as the case may be.
2. The notice referred to in paragraph 1 shall include,
  - i. a statement of the time, place and purpose of the meeting or hearing,
  - ii. a written description of the special education program and services proposed for the pupil,
  - iii. a written description of any alternative special program and services that are available, and
  - iv. a statement of the rights of parents and pupils to inspect all relevant reports and documents, to obtain an independent assessment and to make submissions at the meeting or hearing.
3. Parents and pupils shall have an opportunity to examine and cross-examine witnesses, present arguments and make submissions.
4. Placement committee decisions and Board decisions shall be in writing, and shall include,
  - i. a statement of the special educational program and services proposed for the pupil by the Board, parent or pupil and of any other available alternative special program or services,
  - ii. a statement of the evidence upon which the decision was based, and
  - iii. a statement of the reasons for the decision.

Commence-  
ment

**2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.**

Short title

**3. The short title of this Act is the *Education Amendment Act, 1986*.**







# Bill 36

## **An Act to amend the Public Vehicles Act**

Mr. Mackenzie

---

*1st Reading*      April 22nd, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

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#### EXPLANATORY NOTE

The Bill would prohibit passengers from occupying the part of a bus or streetcar to the immediate right of the driver's seat after the driver has asked them to clear that area.

**Bill 36**

**1986**

**An Act to amend the Public Vehicles Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 23 of the *Public Vehicles Act*, being chapter 425 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:**

(4) No person other than the driver or operator shall occupy any portion of a bus or streetcar, both as defined in the *Highway Traffic Act*, forward of the back of the driver's or operator's seat after the driver or operator has requested passengers to clear that portion of the bus or streetcar.

No  
obstruction  
of driver's  
view  
R.S.O. 1980,  
c. 198

**2. This Act comes into force on the day it receives Royal Assent.**

Commence-  
ment

**3. The short title of this Act is the *Public Vehicles Amendment Act, 1986*.**

Short title





# Bill 37

## **An Act to amend the Human Rights Code, 1981**

**Ms. Gigantes**

---

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The purpose of the Bill is to prohibit discrimination on the basis of sexual orientation in connection with services, accommodation, contracts, employment and vocational associations.

**Bill 37****1986****An Act to amend the Human Rights Code, 1981**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after “sex” in the fourth line “sexual orientation”.

**2.** Subsection 2 (1) of the said Act is amended by inserting after “sex” in the fourth line “sexual orientation”.

**3.** Section 3 of the said Act is amended by inserting after “sex” in the third line “sexual orientation”.

**4.** Subsection 4 (1) of the said Act is amended by inserting after “sex” in the fourth line “sexual orientation”.

**5.** Section 5 of the said Act is amended by inserting after “sex” in the fifth line “sexual orientation”.

**6.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**7.** The short title of this Act is the *Human Rights Code Amendment Act, 1986*. Short title





# Bill 38

## **An Act to amend the Ontario Lottery Corporation Act**

**The Hon. R. Nixon**

*Treasurer of Ontario and Minister of Economics*

---

**1st Reading**      **May 13th, 1986**

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The Bill implements the proposal in the Treasurer's Budget to remove the limitations on the use of lottery proceeds in Ontario.

**Bill 38****1986**

**An Act to amend the  
Ontario Lottery Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 9 of the *Ontario Lottery Corporation Act*, being chapter 344 of the Revised Statutes of Ontario, 1980, is amended by striking out “to be available for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor” in the fifth, sixth and seventh lines.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is the *Ontario Lottery Corporation Amendment Act, 1986*. Short title





# Bill 39

## **An Act to amend the Regional Municipality of Hamilton-Wentworth Act**

Mr. Allen

---

<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	
<i>3rd Reading</i>	
<i>Royal Assent</i>	

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#### EXPLANATORY NOTE

The Bill provides for election of the regional chairman by a general vote (rather than by the members of the Regional Council) and gives the Regional Council (rather than Cabinet) the right to appoint a majority of the members of the Hamilton-Wentworth Police Board.

Bill 39

1986

**An Act to amend the  
Regional Municipality of Hamilton-Wentworth Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 6 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**6. The Regional Council shall consist of twenty-eight members composed of,**

Composition  
of Regional  
Council

- (a) a chairman elected by general vote of the electors of all the area municipalities;
- (b) the mayor of each area municipality;
- (c) sixteen members of council from the City of Hamilton being the remainder of the council of the City;
- (d) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;
- (e) one member of council from the Town of Stoney Creek elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (f) one member of council from the Town of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (g) one member of council from the Township of Flamborough elected by general vote of the electors of



such area municipality as a member of the Regional Council and the council of such area municipality;

- (h) the member of the council of the Township of Glanbrook elected by general vote.

**2. Section 7 of the said Act is repealed.**

**3. Subsection 8 (3) of the said Act is amended by inserting after "than" in the second line "the chairman of the Regional Council or".**

**4. Subsections 11 (1), (2) and (3) of the said Act are repealed and the following substituted therefor:**

Vacancy,  
chairman

(1) When a vacancy occurs in the office of the chairman, a successor shall be elected by general vote of the electors of all the area municipalities to hold office for the remainder of the term.

**5.—(1) Clauses 91 (1) (a) and (b) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 56, section 4, are repealed and the following substituted therefor:**

- (a) three members of the Regional Council appointed by resolution of the Regional Council; and
- (b) two persons appointed by the Lieutenant Governor in Council.

(2) Subsection 91 (2) of the said Act is amended by striking out "Regional Council" in the second and third lines and inserting in lieu thereof "Lieutenant Governor in Council".

Transition

**6. Until the term of one of the three members of the Hamilton-Wentworth Regional Board of Commissioners of Police appointed by the Lieutenant Governor in Council before the coming into force of section 5 has expired, all three may continue to be members, but the Regional Council may appoint an additional person to be a member of the board until the number of members appointed by the Lieutenant Governor in Council is reduced to two.**

Commence-  
ment

**7.—(1) This Act, except sections 1, 2, 3 and 4, comes into force on the day it receives Royal Assent.**

Idem

(2) Sections 1, 2, 3 and 4 come into force on the 22nd day of October, 1986 and have effect for the purposes of the regular election to be held in that year.

**8.** The short title of this Act is the *Regional Municipality of* Short title  
*Hamilton-Wentworth Amendment Act, 1986.*









# Bill 40

## **An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

**The Hon. R. Nixon**

*Treasurer of Ontario and Minister of Economics*

---

*1st Reading*      May 13th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

The purpose of the Bill is to provide authority for borrowing moneys for the Consolidated Revenue Fund. The principal borrowings authorized under the *Ontario Loan Act* in recent years have been from the following sources:

1. Canada Pension Plan
2. Teachers' Superannuation Fund
3. The public capital market

The amount of \$1,700,000,000 authorized by the Bill is intended to cover borrowing from the first two listed sources.

The Bill provides that any unused borrowing authority will expire on September 30th, 1987.

## Bill 40

1986

**An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by the *Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,700,000,000.

Loans up to  
\$1,700,000,000

R.S.O. 1980,  
c. 161

(2) The sum of money authorized to be raised by subsection (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the *Teachers' Superannuation Act, 1983* and to the Ontario Municipal Employees Retirement Fund under authority of the *Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

1983, c. 84

R.S.O. 1980,  
c. 348

**2.** No money shall be raised by way of loan under subsection 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1987.

Limitation

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** The short title of this Act is the *Ontario Loan Act, 1986*.

Short title





# Bill 40

*(Chapter 18  
Statutes of Ontario, 1986)*

## **An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

**The Hon. R. Nixon**

*Treasurer of Ontario and Minister of Economics*

---

<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	May 29th, 1986
<i>3rd Reading</i>	May 29th, 1986
<i>Royal Assent</i>	June 2nd, 1986

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## Bill 40

1986

**An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by the *Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,700,000,000.

Loans up to  
\$1,700,000,000

R.S.O. 1980,  
c. 161

(2) The sum of money authorized to be raised by subsection (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the *Teachers' Superannuation Act, 1983* and to the Ontario Municipal Employees Retirement Fund under authority of the *Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

1983, c. 84

R.S.O. 1980,  
c. 348

**2.** No money shall be raised by way of loan under subsection 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1987.

Limitation

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** The short title of this Act is the *Ontario Loan Act, 1986*.

Short title





# Bill 41

## **An Act to repeal the Ontario Economic Council Act**

**The Hon. R. Nixon**

*Treasurer of Ontario and Minister of Economics*

---

*1st Reading*      April 22nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The Bill dissolves the Ontario Economic Council, makes transitional provisions for employees and obligations of the Council and repeals the Act under which the Council was established.

# Bill 41

1986

## An Act to repeal the Ontario Economic Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The term for which the chairman or any member of the Ontario Economic Council is appointed expires on the day this Act receives Royal Assent. Term of appointment expires
2. The Ontario Economic Council, as continued by the *Ontario Economic Council Act*, being chapter 329 of the Revised Statutes of Ontario, 1980, is dissolved. Council dissolved
3. The Treasurer of Ontario and Minister of Economics shall assume the financial responsibilities of the Ontario Economic Council under any contract (other than a contract of employment) to which the Ontario Economic Council is a party and that was entered into by all parties thereto prior to the 24th day of October, 1985. Disposition of contracts
4. Officers and employees of the Council who have been appointed under the *Public Service Act* shall, wherever possible, be reassigned to other duties in the public service that provide equivalent remuneration. Public servants to be assigned  
R.S.O. 1980, c. 418
5. The *Ontario Economic Council Act*, being chapter 329 of the Revised Statutes of Ontario, 1980, is repealed. Repeal
6. This Act comes into force on the day it receives Royal Assent. Commencement
7. The short title of this Act is the *Ontario Economic Council Repeal Act, 1986*. Short title





# Bill 42

## **An Act to regulate the Activities of Paralegal Agents**

Mr. O'Connor

---

*1st Reading*      May 22nd, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

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#### EXPLANATORY NOTE

The Bill regulates the activities of paralegal agents who represent clients in Small Claims Court, Provincial Offences Court and other prescribed courts and tribunals. It establishes the Paralegal Agents Committee to make regulations with respect to the standards of admission and qualifications for paralegal agents. The Bill also provides for the disciplining of paralegal agents by the Law Society of Upper Canada.

## Bill 42

1986

**An Act to regulate the Activities of Paralegal Agents**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Definitions

“bencher” and “Convocation” have the same meaning as under the *Law Society Act*;

R.S.O. 1980,  
c. 233

“Committee” means the Paralegal Agents Committee established under section 2;

“paralegal agent” means a person, other than a member or a student member of the Law Society of Upper Canada or a person who acts under the supervision of a lawyer, who acts or holds himself or herself out as acting, on behalf of another person for a fee, in a proceeding in a court of law or before a tribunal or other adjudicator in which that person’s rights or liabilities are determined;

“prescribed” means prescribed by the regulations made under this Act.

**2.—(1)** A committee of the Law Society of Upper Canada to be known as the Paralegal Agents Committee is hereby established.

Establish-  
ment of  
Paralegal  
Agents  
Committee

**(2)** The Committee shall be composed of,

Composition

- (a) five persons representing paralegal agents, appointed by the Lieutenant Governor in Council;
- (b) two benchers, appointed by Convocation; and
- (c) two lay members, one of whom shall be the nominee of the Minister of Colleges and Universities, appointed by the Lieutenant Governor in Council.



## Transition

(3) Clause (2) (a) is repealed two years after it comes into force and the following substituted therefor:

- (a) five paralegal agents registered under this Act, elected by registered paralegal agents.

Secretary,  
Assistant  
Secretary

(4) The Committee shall appoint one member from among the members appointed or elected under clause (2) (a) as Secretary and one member as Assistant Secretary.

Term of  
office

(5) The members of the Committee shall hold office for a term of two years.

## Vacancies

(6) If a vacancy occurs in the membership of the Committee, it shall be filled for the unexpired portion of the term.

## Quorum

(7) Five members of the Committee, including three persons appointed or elected under clause (2) (a), one benchers and one lay member, constitutes a quorum.

## Regulations

**3.—**(1) Subject to the approval of the Lieutenant Governor in Council, the Committee may make regulations,

- (a) providing procedures for the election of the members of the Committee who are to be elected by registered paralegal agents;
- (b) for the examination and admission of paralegal agents to practise in Ontario and for the registration of persons so admitted, for the issuing of certificates of registration and prescribing the fees to be paid on examination and registration;
- (c) prescribing the qualifications of paralegal agents and the proofs to be furnished as to education, good character and experience;
- (d) subject to subsection (3), providing for approval of schools, colleges and courses of study, and prescribing educational standards and hours of training;
- (e) for maintaining a register of persons admitted to practise and providing for the annual renewal of registration and prescribing the fee therefor;
- (f) authorizing and providing for the preparation, publication and distribution of a code of conduct and ethics for paralegal agents;

- (g) for allowing the use of any title that in the opinion of the Committee will correctly describe a paralegal agent's qualification or occupation and prescribing such titles;
- (h) respecting the conditions and prescribing the minimum amounts of professional liability insurance to be maintained by registered paralegal agents, requiring the provision of proof of the insurance coverage, and respecting the form of the proof and the times when it shall be provided;
- (i) prescribing courts and tribunals in which paralegal agents may act and prescribing matters in respect of which they may act;
- (j) prescribing forms and providing for their use.

(2) If the regulations mentioned in clauses (1) (a) to (h), Idem  
both inclusive, have not been filed within 180 days after the day on which this Act comes into force, the Committee shall cause a report to be laid before the Assembly explaining the reason for the delay.

(3) A regulation mentioned in clause (1) (d) shall be made Idem  
in consultation with the Minister of Colleges and Universities.

4. An applicant for registration as a paralegal agent shall Good  
character  
be of good character.

5. No person, other than a registered paralegal agent Unauthorized  
practice  
whose registration has not been cancelled or suspended, shall practise as a paralegal agent or hold himself or herself out as being qualified to practise as a paralegal agent.

6. Every paralegal agent shall, as a condition of registra- Mandatory  
insurance  
tion, obtain and maintain professional liability insurance in the prescribed amount.

7.—(1) The Law Society of Upper Canada is responsible Discipline  
for investigating any complaint that a registered paralegal agent is guilty of misconduct or has displayed such incompetence as to render it desirable in the public interest that the paralegal agent's registration be cancelled or suspended.

(2) Subject to subsection (3), section 33 of the *Law Society Act* (procedure to be followed before disciplinary action) Procedure  
R.S.O. 1980,  
c. 233  
applies with necessary modifications with respect to disciplinary action under subsections (4) and (5).

Discipline  
Committee

(3) A committee of Convocation that is investigating the conduct of a registered paralegal agent shall be composed of,

- (a) a majority of members who are benchers; and
- (b) a number of registered paralegal agents that is one less than a majority of the members of the committee.

Cancellation,  
suspension of  
registration  
for  
misconduct

(4) If a registered paralegal agent is found guilty of misconduct or of any contravention of this Act or the regulations, or to have been incompetent, Convocation may cancel the paralegal agent's registration or suspend it for a definite period or may by order reprimand him or her or may make such other disposition as it considers proper in the circumstances.

Reprimand in  
committee  
for  
misconduct

(5) If a committee of Convocation finds that a registered paralegal agent is guilty of misconduct which in its opinion does not warrant cancellation or suspension of registration or reprimand in Convocation, the committee may by order reprimand the paralegal agent.

Appeal to  
Convocation  
R.S.O. 1980,  
c. 233

(6) Section 39 of the *Law Society Act* (appeal from order to reprimand in committee) applies with necessary modifications to a registered paralegal agent found guilty under subsection (5).

## Costs

(7) Sections 40 and 41 of the *Law Society Act* (expenses and costs of investigations and hearings) apply with necessary modifications in respect of disciplinary action against a registered paralegal agent.

Appeal to  
Divisional  
Court

(8) Section 44 of the *Law Society Act* (appeal from suspension, etc.) applies with necessary modifications to a registered paralegal agent found guilty under subsection (4).

Rights  
pending  
appeal

(9) When an appeal is brought against the cancellation or suspension of a paralegal agent's registration, the cancellation or suspension remains in effect pending the result of the appeal.

Authorized  
practice

**8.—**(1) A registered paralegal agent may act in a proceeding,

- (a) in Provincial Offences Court;
- (b) in Small Claims Court;
- (c) in respect of a landlord and tenant matter;



- (d) before a coroner's inquest;
- (e) in respect of an examination or inquiry under the *Immigration Act, 1976* (Canada) or before the Immigration Appeal Board established under that Act; 1976-77, c. 52 (Can.)
- (f) in a prescribed court or before a prescribed tribunal; and
- (g) in respect of a prescribed matter.

(2) A registered paralegal agent shall not act in a proceeding in a court or before a tribunal or in respect of a matter that is not provided for by this Act or the regulations. Idem

(3) Subject to subsection (1), a registered paralegal agent may attend to all matters normally associated with the proper administration of a proceeding in which he or she is acting. Incidental matters

**9.—**(1) Nothing in this Act or the regulations authorizes a person, not being so expressly authorized under an Act of the Legislature, to practise as a barrister or solicitor or to hold himself or herself out as a barrister or solicitor. Act does not authorize practice of law

(2) A registered paralegal agent shall not use a title, affix or prefix that would be likely to mislead the public as to his or her qualification or occupation. Description of qualification or occupation

(3) Before undertaking to act on behalf of a person, a paralegal agent shall advise the person that the paralegal agent, Notice to clients

(a) is not a barrister or solicitor; and

(b) is prohibited from acting or advising on a matter that is not provided for by this Act or the regulations.

**10.** Every person who contravenes a provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 and on conviction for a subsequent offence within two years after such first conviction is liable to a fine of not more than \$10,000 and to imprisonment for a term of not more than six months, or to both. Offence

**11.—**(1) In all cases where proof of registration under this Act is required, the production of a printed or other copy of the register, certified by the Assistant Secretary of the Committee, is, in the absence of evidence to the contrary, sufficient. Proof of registration



cient evidence of the persons who are registered paralegal agents without further proof of the signature of the Assistant Secretary or of the fact that the person is the Assistant Secretary.

Evidence  
of non-  
registration

(2) The absence of the name of a person from such copy is, in the absence of evidence to the contrary, evidence that the person is not registered under this Act.

Omission of  
name from  
copy

(3) In the case of a person whose name does not appear in such copy, a copy of the entry of the name of the person on the register, certified by the Assistant Secretary, is, in the absence of evidence to the contrary, evidence that such person is registered under this Act.

Commence-  
ment

**12.**—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**13.** The short title of this Act is the *Paralegal Agents Act, 1986*.

# Bill 43

## **An Act to amend the Shoreline Property Assistance Act**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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*1st Reading*      May 26th, 1986  
*2nd Reading*  
*3rd Reading*  
*Royal Assent*

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## EXPLANATORY NOTES

At present, loans may be made under the Act for the construction of protective works and for building repairs. The land to which a loan relates must be located in a municipality and the loan program is administered by municipalities. It is proposed that the Act be amended so that loans can also be made for building raising and building relocation. It is also proposed that the Act be amended so that loans under the Act will be available to land owners in territories without municipal organization.

**SECTION 1.** The proposed re-enactment of section 1 of the Act contains the definition of "building repairs" now found in section 12. The other changes in this section are complementary to the amendments noted above.

The proposed section 1a will permit building relocation loans to be made where the owner proposes to move the building from one parcel of land to another.

**SECTIONS 2 to 6.** The amendments change the heading for Part I of the Act and add references to loans for building raising, building relocation and building repairs to Part I. The amendment to section 4 of the Act clarifies that loans may not be made until an inspector has filed an inspection and completion certificate.

**SECTION 7.** The present Part II will be incorporated into Part I by sections 1 to 6 of this Bill. The proposed Part II relates to loans for the construction of works, building raising, building relocation and building repairs in territories without municipal organization. The program will be administered by the Minister of Municipal Affairs. Section 12 deals with application procedures. Section 13 deals with collection procedures. Section 13a sets out inspection requirements.

**SECTION 8.** Section 14 of the Act sets out regulation making powers. The amendments are complementary to the purposes of the Bill set out above.

**Bill 43****1986**

**An Act to amend the  
Shoreline Property Assistance Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 1 of the *Shoreline Property Assistance Act*, being chapter 471 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**1. In this Act,**

Definitions

“building raising” means the raising of a building or structure required by reason of damage or potential damage to the building or structure;

“building relocation” means the relocation of a building or structure required by reason of damage or potential damage to the building or structure;

“building repairs” means repairs to a building or structure required by reason of damage to the building or structure;

“damage” means damage caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or body of water caused by the elements, and “potential damage” has a corresponding meaning;

“Minister” means the Minister of Municipal Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;

“municipality” means a city, town, village or township;

“prescribed” means prescribed by the regulations made under this Act;



“works” means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

Building  
relocation

**1a.** A loan for building relocation may be made under this Act notwithstanding that the building or structure is to be relocated on a parcel of land other than the one it was on at the time the application was made for the loan,

- (a) if at the time of the application and at the time money is advanced under the loan, the applicant is assessed as owner of both parcels;
- (b) if the declaration required by subsection 3 (3) or clause 12 (3) (a) sets out the particulars referred to in the relevant subsection for both parcels of land,

and,

- (c) the money lent shall be deemed to be lent in respect of the parcel on which the building or structure is situate after the relocation;
- (d) subsection 3 (4) applies with necessary modifications to both parcels of land where the land is in a municipality and clause 12 (3) (b) applies with necessary modifications to both parcels of land where the land is not in a municipality.

**2.** Part I of the said Act is amended by striking out the heading “Rehabilitation and Protection Loans” and inserting in lieu thereof “Loans in Municipalities”.

**3.** Subsection 2 (1) of the said Act is repealed and the following substituted therefor:

Borrowing by  
municipalities  
R.S.O. 1980,  
c. 347

(1) Subject to sections 64 and 65 of the *Ontario Municipal Board Act*, the council of a municipality may pass by-laws in the prescribed form authorizing,

- (a) the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for any or all of the construction of works, building raising, building relocation and building repairs; and

- (b) the issuing of debentures in the prescribed form by the municipality or by a district, metropolitan or regional municipality on its behalf.

**4.—(1) Subsection 3 (1) of the said Act is repealed and the following substituted therefor:**

(1) An owner of land who is assessed as the owner thereof in a municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of,

Application  
by owner for  
loan

- (a) constructing works on the land or, with the prior consent of the Crown, on Crown land immediately adjacent to the land; or
- (b) building raising, building relocation or building repairs on the land.

**(2) Subsection 3 (8) of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 471, section 16, is repealed and the following substituted therefor:**

(8) A loan under this Part shall not exceed the amount prescribed.

Limitation  
on loans

(9) A municipality shall not lend money for building relocation unless, following the relocation, the building or structure is in the same municipality as it was in at the time of the application for the loan.

Building  
relocation  
must be in  
same  
municipality

**5. Section 4 of the said Act is repealed and the following substituted therefor:**

**4.—(1)** The council of a municipality borrowing money under this Part shall have a competent inspector assess the need for the work, the type of work proposed and the compatibility of the work with adjacent property.

Appointment  
and duties of  
inspector

(2) The inspector shall inspect the work and shall file with the clerk of the municipality an inspection and completion certificate in the prescribed form and no money shall be advanced by the municipality under the loan until the certificate has been filed.

Idem

(3) The costs of the services of the inspector shall be charged against the work inspected and shall be paid out of

Payment for  
inspector's  
services

the amount borrowed and deducted from the amount loaned under section 7.

**6. Section 11 of the said Act is repealed and the following substituted therefor:**

Discharge of  
indebtedness  
by owner

**11.** The owner of land in respect of which money has been borrowed under this Part may obtain a discharge of the indebtedness at any time by paying to the treasurer of the municipality the outstanding balance of the loan together with accrued interest.

**7. Part II of the said Act, as amended by the Revised Statutes of Ontario, 1980, chapter 471, section 20, is repealed and the following substituted therefor:**

**PART II**

**LOANS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION**

Application  
by owner  
for loan

**12.—(1)** An owner of land in territory without municipal organization who is assessed as the owner thereof may make application to the Minister in the prescribed form to borrow money for the purpose of,

- (a) constructing works on the land or, with the prior consent of the Crown, on Crown land immediately adjacent to the land; or
- (b) building raising, building relocation or building repairs on the land.

Where works  
on Crown  
land

(2) Where the money is borrowed to construct works on Crown lands, it shall be deemed to be borrowed in respect of the land of the owner who borrowed the money.

Statutory  
declaration  
of applicant

(3) The application shall not be acted upon unless it is accompanied by,

- (a) a declaration of the applicant stating that the applicant is the actual owner of the land mentioned in the application, and that the land is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the name and address of the mortgagee or other encumbrancer and where it has been assigned, the name and address of the assignee of the mortgage or other encumbrance; and



- (b) where there is a mortgage or other encumbrance, the written consent to the loan of each such mortgagee or other encumbrancer and assignee of the mortgage or encumbrance.

(4) The Minister is not required to hold a hearing before deciding on an application. Hearing  
not required

(5) The approval of an application under subsection (1) is in the discretion of the Minister whose decision is final and written notice of the decision shall forthwith be given to the applicant and all mortgagees and other encumbrancers and assignees referred to in subsection (3). Discretion  
of Minister

(6) A loan under this Part shall not exceed the amount prescribed. Limitation  
on loans

(7) The Minister shall lend the money borrowed under the authority of this Part in sums of \$100 or multiples thereof for a term of ten years to be repaid in equal annual payments at a rate of interest prescribed by the regulations. Loans by  
Minister

(8) No money shall be advanced under a loan under this Part unless the owner has delivered a signed note for the amount of the loan. Note  
required

**13.—**(1) In the event of any default in the repayment of a loan made under this Part, Default

- (a) interest on the amount due shall accrue during the time of such default at the rate prescribed from time to time; and

- (b) in addition to any other remedy for the recovery thereof, should the default continue for a period of one year, the outstanding balance of the loan together with accrued interest and costs shall thereupon become due and payable.

(2) The amount lent under this Part is a debt due Her Majesty in right of Ontario from the owner of the land and any subsequent owner of the land and the outstanding balance of the loan, together with interest due and costs, may be recovered by an action in any court of competent jurisdiction against the owner or any subsequent owner. Debt owing  
Her Majesty

(3) Her Majesty in right of Ontario has a special lien for the outstanding balance of a loan made under this Part, together with interest and costs, against the land in respect of Special lien



which the loan was made and against the buildings and structures on the land.

Priority

(4) The special lien conferred by subsection (3) has priority over,

- (a) every mortgage and other encumbrance in respect of which a consent to the loan was given; and
- (b) every mortgage and other encumbrance or claim that was created or that arose before the lien arose, if the mortgage, other encumbrance or claim was not registered in the proper land registry office against the title to the land at the time the lien arose.

Idem

(5) The Minister may register a notice of the special lien conferred by subsection (3) in the proper land registry office against the title of the land, and, upon registration of the notice, the special lien has, in addition to the priority given by subsection (4), priority over every mortgage or other encumbrance or claim registered in the proper land registry office against the title to the land after registration of the notice.

Additional remedies

(6) In addition to any other remedies, where there has been default in repayment of a loan made under this Part,

- (a) the amount of the loan due and unpaid, together with interest and costs, may be deducted from any money payable by the Province of Ontario to the person who is in default; and
- (b) if the land or any part of it is occupied by a tenant, the Minister may give notice in writing to the tenant requiring the tenant to pay to the Treasurer of Ontario the rent payable by the tenant as it becomes due to the amount of the loan due and unpaid, together with interest and costs.

Apportionment on subdivision of land

(7) Where a part of a parcel of land in respect of which money has been lent under this Part is sold, the Minister may apportion the amount owing, including interest and costs between the part sold and the part remaining, having regard to the effect of the works, building raising, building relocation or building repair on each part into which the parcel of land is divided and such other matters as the Minister considers appropriate, and the decision of the Minister with respect to the apportionment is final.

(8) The owner of land in respect of which money has been borrowed under this Part may obtain a discharge of the indebtedness at any time by paying to the Treasurer of Ontario the outstanding balance of the loan together with accrued interest and costs. Discharge of debt

(9) Upon the repayment in full of a loan made under this Part, the Minister shall cause to be registered in the proper land registry office against the title of the land a certificate discharging the special lien conferred by subsection (3). Idem

**13a.**—(1) The Minister shall have a competent inspector assess the need for the work, the type of work proposed and the compatibility of the work with adjacent property. Appointment and duties of inspector

(2) The inspector shall inspect the work and shall file with the Minister an inspection and completion certificate in the prescribed form and no money shall be advanced under the loan until the certificate has been filed. Idem

(3) The costs of the services of the inspector may be charged against the work inspected and may be paid out of the amount borrowed and deducted from the amount loaned under section 12. Payment for inspector's services

**8. Clauses 14 (b) and (d) of the said Act are repealed and the following substituted therefor:**

(b) prescribing the maximum amount of loans that may be made under this Act;

(d) determining the rate of interest for the purposes of subsection 5 (4), subsection 9 (2), subsection 12 (7) and subsection 13 (1).

**9. This Act comes into force on the day it receives Royal Assent.** Commence-ment

**10. The short title of this Act is the *Shoreline Property Assistance Amendment Act, 1986*.** Short title









# Bill 43

*(Chapter 22  
Statutes of Ontario, 1986)*

## **An Act to amend the Shoreline Property Assistance Act**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

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<i>1st Reading</i>	May 26th, 1986
<i>2nd Reading</i>	June 25th, 1986
<i>3rd Reading</i>	July 3rd, 1986
<i>Royal Assent</i>	July 7th, 1986

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1. The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

2. The second part of the paper is devoted to a discussion of the general principles of the theory of the structure of the molecule.

3. The third part of the paper is devoted to a discussion of the general principles of the theory of the structure of the crystal.

4. The fourth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the liquid.

5. The fifth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the gas.

6. The sixth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the plasma.

7. The seventh part of the paper is devoted to a discussion of the general principles of the theory of the structure of the solid.

8. The eighth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the liquid crystal.

9. The ninth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the polymer.

10. The tenth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the composite material.

11. The eleventh part of the paper is devoted to a discussion of the general principles of the theory of the structure of the nanomaterial.

12. The twelfth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the biomaterial.

13. The thirteenth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the smart material.

14. The fourteenth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the metamaterial.

15. The fifteenth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the photonic crystal.

16. The sixteenth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the quantum dot.

17. The seventeenth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the nanowire.

Bill 43

1986

## An Act to amend the Shoreline Property Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 1 of the *Shoreline Property Assistance Act*, being chapter 471 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**1. In this Act,**

**Definitions**

“building raising” means the raising of a building or structure required by reason of damage or potential damage to the building or structure;

“building relocation” means the relocation of a building or structure required by reason of damage or potential damage to the building or structure;

“building repairs” means repairs to a building or structure required by reason of damage to the building or structure;

“damage” means damage caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or body of water caused by the elements, and “potential damage” has a corresponding meaning;

“Minister” means the Minister of Municipal Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;

“municipality” means a city, town, village or township;

“prescribed” means prescribed by the regulations made under this Act;



“works” means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

Building  
relocation

**1a.** A loan for building relocation may be made under this Act notwithstanding that the building or structure is to be relocated on a parcel of land other than the one it was on at the time the application was made for the loan,

- (a) if at the time of the application and at the time money is advanced under the loan, the applicant is assessed as owner of both parcels;
- (b) if the declaration required by subsection 3 (3) or clause 12 (3) (a) sets out the particulars referred to in the relevant subsection for both parcels of land,

and,

- (c) the money lent shall be deemed to be lent in respect of the parcel on which the building or structure is situate after the relocation;
- (d) subsection 3 (4) applies with necessary modifications to both parcels of land where the land is in a municipality and clause 12 (3) (b) applies with necessary modifications to both parcels of land where the land is not in a municipality.

**2.** Part I of the said Act is amended by striking out the heading “Rehabilitation and Protection Loans” and inserting in lieu thereof “Loans in Municipalities”.

**3.** Subsection 2 (1) of the said Act is repealed and the following substituted therefor:

Borrowing by  
municipalities  
R.S.O. 1980,  
c. 347

(1) Subject to sections 64 and 65 of the *Ontario Municipal Board Act*, the council of a municipality may pass by-laws in the prescribed form authorizing,

- (a) the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for any or all of the construction of works, building raising, building relocation and building repairs; and

- (b) the issuing of debentures in the prescribed form by the municipality or by a district, metropolitan or regional municipality on its behalf.

**4.—(1) Subsection 3 (1) of the said Act is repealed and the following substituted therefor:**

(1) An owner of land who is assessed as the owner thereof in a municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of,

Application  
by owner for  
loan

- (a) constructing works on the land or, with the prior consent of the Crown, on Crown land immediately adjacent to the land; or
- (b) building raising, building relocation or building repairs on the land.

**(2) Subsection 3 (8) of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 471, section 16, is repealed and the following substituted therefor:**

(8) A loan under this Part shall not exceed the amount prescribed.

Limitation  
on loans

(9) A municipality shall not lend money for building relocation unless, following the relocation, the building or structure is in the same municipality as it was in at the time of the application for the loan.

Building  
relocation  
must be in  
same  
municipality

**5. Section 4 of the said Act is repealed and the following substituted therefor:**

**4.—(1)** The council of a municipality borrowing money under this Part shall have a competent inspector assess the need for the work, the type of work proposed and the compatibility of the work with adjacent property.

Appointment  
and duties of  
inspector

(2) The inspector shall inspect the work and shall file with the clerk of the municipality an inspection and completion certificate in the prescribed form and no money shall be advanced by the municipality under the loan until the certificate has been filed.

Idem

(3) The costs of the services of the inspector shall be charged against the work inspected and shall be paid out of

Payment for  
inspector's  
services

the amount borrowed and deducted from the amount loaned under section 7.

**6. Section 11 of the said Act is repealed and the following substituted therefor:**

Discharge of  
indebtedness  
by owner

**11.** The owner of land in respect of which money has been borrowed under this Part may obtain a discharge of the indebtedness at any time by paying to the treasurer of the municipality the outstanding balance of the loan together with accrued interest.

**7. Part II of the said Act, as amended by the Revised Statutes of Ontario, 1980, chapter 471, section 20, is repealed and the following substituted therefor:**

PART II

LOANS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Application  
by owner  
for loan

**12.—(1)** An owner of land in territory without municipal organization who is assessed as the owner thereof may make application to the Minister in the prescribed form to borrow money for the purpose of,

- (a) constructing works on the land or, with the prior consent of the Crown, on Crown land immediately adjacent to the land; or
- (b) building raising, building relocation or building repairs on the land.

Where works  
on Crown  
land

(2) Where the money is borrowed to construct works on Crown lands, it shall be deemed to be borrowed in respect of the land of the owner who borrowed the money.

Statutory  
declaration  
of applicant

(3) The application shall not be acted upon unless it is accompanied by,

- (a) a declaration of the applicant stating that the applicant is the actual owner of the land mentioned in the application, and that the land is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the name and address of the mortgagee or other encumbrancer and where it has been assigned, the name and address of the assignee of the mortgage or other encumbrance; and



- (b) where there is a mortgage or other encumbrance, the written consent to the loan of each such mortgagee or other encumbrancer and assignee of the mortgage or encumbrance.

(4) The Minister is not required to hold a hearing before deciding on an application. Hearing not required

(5) The approval of an application under subsection (1) is in the discretion of the Minister whose decision is final and written notice of the decision shall forthwith be given to the applicant and all mortgagees and other encumbrancers and assignees referred to in subsection (3). Discretion of Minister

(6) A loan under this Part shall not exceed the amount prescribed. Limitation on loans

(7) The Minister shall lend the money borrowed under the authority of this Part in sums of \$100 or multiples thereof for a term of ten years to be repaid in equal annual payments at a rate of interest prescribed by the regulations. Loans by Minister

(8) No money shall be advanced under a loan under this Part unless the owner has delivered a signed note for the amount of the loan. Note required

**13.—**(1) In the event of any default in the repayment of a loan made under this Part, Default

- (a) interest on the amount due shall accrue during the time of such default at the rate prescribed from time to time; and

- (b) in addition to any other remedy for the recovery thereof, should the default continue for a period of one year, the outstanding balance of the loan together with accrued interest and costs shall thereupon become due and payable.

(2) The amount lent under this Part is a debt due Her Majesty in right of Ontario from the owner of the land and any subsequent owner of the land and the outstanding balance of the loan, together with interest due and costs, may be recovered by an action in any court of competent jurisdiction against the owner or any subsequent owner. Debt owing Her Majesty

(3) Her Majesty in right of Ontario has a special lien for the outstanding balance of a loan made under this Part, together with interest and costs, against the land in respect of Special lien



which the loan was made and against the buildings and structures on the land.

Priority

(4) The special lien conferred by subsection (3) has priority over,

- (a) every mortgage and other encumbrance in respect of which a consent to the loan was given; and
- (b) every mortgage and other encumbrance or claim that was created or that arose before the lien arose, if the mortgage, other encumbrance or claim was not registered in the proper land registry office against the title to the land at the time the lien arose.

Idem

(5) The Minister may register a notice of the special lien conferred by subsection (3) in the proper land registry office against the title of the land, and, upon registration of the notice, the special lien has, in addition to the priority given by subsection (4), priority over every mortgage or other encumbrance or claim registered in the proper land registry office against the title to the land after registration of the notice.

Additional remedies

(6) In addition to any other remedies, where there has been default in repayment of a loan made under this Part,

- (a) the amount of the loan due and unpaid, together with interest and costs, may be deducted from any money payable by the Province of Ontario to the person who is in default; and
- (b) if the land or any part of it is occupied by a tenant, the Minister may give notice in writing to the tenant requiring the tenant to pay to the Treasurer of Ontario the rent payable by the tenant as it becomes due to the amount of the loan due and unpaid, together with interest and costs.

Apportionment on subdivision of land

(7) Where a part of a parcel of land in respect of which money has been lent under this Part is sold, the Minister may apportion the amount owing, including interest and costs between the part sold and the part remaining, having regard to the effect of the works, building raising, building relocation or building repair on each part into which the parcel of land is divided and such other matters as the Minister considers appropriate, and the decision of the Minister with respect to the apportionment is final.

(8) The owner of land in respect of which money has been borrowed under this Part may obtain a discharge of the indebtedness at any time by paying to the Treasurer of Ontario the outstanding balance of the loan together with accrued interest and costs.

Discharge  
of debt

(9) Upon the repayment in full of a loan made under this Part, the Minister shall cause to be registered in the proper land registry office against the title of the land a certificate discharging the special lien conferred by subsection (3).

Idem

**13a.**—(1) The Minister shall have a competent inspector assess the need for the work, the type of work proposed and the compatibility of the work with adjacent property.

Appointment  
and duties  
of inspector

(2) The inspector shall inspect the work and shall file with the Minister an inspection and completion certificate in the prescribed form and no money shall be advanced under the loan until the certificate has been filed.

Idem

(3) The costs of the services of the inspector may be charged against the work inspected and may be paid out of the amount borrowed and deducted from the amount loaned under section 12.

Payment for  
inspector's  
services

**8. Clauses 14 (b) and (d) of the said Act are repealed and the following substituted therefor:**

(b) prescribing the maximum amount of loans that may be made under this Act;

. . . . .

(d) determining the rate of interest for the purposes of subsection 5 (4), subsection 9 (2), subsection 12 (7) and subsection 13 (1).

**9. This Act comes into force on the day it receives Royal Assent.**

Commence-  
ment

**10. The short title of this Act is the *Shoreline Property Assistance Amendment Act, 1986*.**

Short title

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# Bill 44

## **An Act to amend the Environmental Protection Act**

Mr. Wildman

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*1st Reading*      May 26th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

This Bill would provide regulation of motor vehicle salvage and disposal sites located in territories without municipal organization under the *Environmental Protection Act*. At the present time, the *Municipal Act* empowers municipalities to make by-laws regulating these sites, but there is no parallel regulation for territories without municipal organization.

# Bill 44

1986

## An Act to amend the Environmental Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Part V of the *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 49, sections 1 and 2, is further amended by adding thereto the following section:**

**24a.**—(1) In this section, “motor vehicle salvage and disposal site” means a waste disposal site that is used for storing motor vehicles for the purpose of wrecking or dismantling them or salvaging parts of them for sale or other disposal.

Interpretation

(2) The following standards are required for the location, maintenance and operation of a motor vehicle salvage and disposal site located in a territory without municipal organization:

Standards for motor vehicle salvage and disposal site

1. Access roads and on-site roads shall be provided so that vehicles hauling waste to, on and from the site may travel readily on any day under all normal weather conditions.
2. Access to the site shall be limited to such times as an attendant is on duty.
3. The site shall not be located on land covered by water or subject to flooding and shall be so located that no direct drainage leads to a watercourse.
4. The site shall be located to reduce to a minimum inconvenience due to dust, noise and traffic.
5. Signs shall be posted at the entrance stating the times during which the site is open and any other conditions with respect to the use of the site.



6. The site shall be located and operated to reduce to a minimum the hazards to health or safety of persons or property including hazards from fire and vermin.
7. No open burning shall be permitted.
8. All operations at the site shall be conducted in an orderly fashion under adequate and continual supervision.
9. That part of the property that is being used as a motor vehicle salvage and disposal site shall be enclosed to prevent entry by unauthorized persons and access to the property shall be by roadway closed by a gate capable of being locked.
10. The site shall be screened from the public's view.
11. Scavenging shall not be permitted.
12. All fluids must be drained from motor vehicles before they are processed and any fluids or other materials disposed of in a manner approved by the Minister if they are not stored for purposes of resale.

**Application**

(3) The standards set out in subsection (2) take the place of any standards prescribed in the regulations which might otherwise govern the location, maintenance and operation of a motor vehicle salvage and disposal site located in a territory without municipal organization.

**Idem**

(4) Subject to subsection (3), nothing in the regulations has the effect of exempting a motor vehicle salvage and disposal site located in a territory without municipal organization from this Act or the regulations.

**Commence-  
ment**

**2. This Act comes into force on the day it receives Royal Assent.**

**Short title**

**3. Short title of this Act is the *Environmental Protection Amendment Act, 1986*.**

# Bill 45

## **An Act to amend the Labour Relations Act**

Mr. Barlow

*1st Reading*      May 27th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

## EXPLANATORY NOTES

**SECTION 1.** This section would require a secret ballot vote for certification of a trade union in all cases where the Board is satisfied that at least 45 per cent of the employees in the bargaining unit are members of a trade union. The Act now does not require a secret ballot and provides that the Board has discretion to decide whether or not to call a vote where it is satisfied that more than 55 per cent of the employees are members of the union.

**SECTION 2.** Subsection 72 (4) now reads as follows:

*(4) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.*

**Bill 45**

**1986**

## **An Act to amend the Labour Relations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Subsection 7 (2) of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(2) If the Board is satisfied that not less than 45 per cent of the employees in the bargaining unit are members of the trade union, the Board shall direct that a representation vote be taken by secret ballot.

Represent-  
tation vote

(2) Subsection 7 (3) of the said Act is amended by striking out “and in other cases, if the Board is satisfied that more than 55 per cent of the employees in the bargaining unit are members of the trade union” in the third, fourth and fifth lines.

**2. Subsection 72 (4) of the said Act is repealed and the following substituted therefor:**

(4) A trade union shall not call a strike or ratify a proposed collective agreement unless it has called a strike vote or a vote to ratify the proposed collective agreement, that vote has been held by secret ballot and a majority of those voting have supported the call to strike or the proposed collective agreement.

Strike or  
ratification  
vote

**3. This Act comes into force on the day it receives Royal Assent.**

Commence-  
ment

**4. The short title of this Act is the *Labour Relations Amendment Act, 1986*.**

Short title





# Bill 46

## **An Act to amend the Ontario Institute for Studies in Education Act**

Mr. Pouliot

*1st Reading*      May 28th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The purpose of the Bill is to give the Ontario Institute for Studies in Education the power to grant degrees, including honorary degrees, diplomas and certificates in education.

Bill 46

1986

**An Act to amend the  
Ontario Institute for Studies in Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 5 of the *Ontario Institute for Studies in Education Act*, being chapter 341 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

(ea) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates in education.

**2. This Act comes into force on the day it receives Royal Assent.** Commence-  
ment

**3. The short title of this Act is the *Ontario Institute for Studies in Education Amendment Act, 1986*.** Short title





# Bill 47

## **An Act proclaiming Arbour Day**

**Mr. Laughren**

---

*1st Reading*      May 29th, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The Bill would require each local municipality to designate a day in May as Arbour Day.

**Bill 47****1986****An Act proclaiming Arbour Day**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Every local municipality, as defined in the *Municipal Act*, shall designate a day in May to be known as Arbour Day for the purpose of,

Arbour Day  
R.S.O. 1980,  
c. 302  
.

- (a) educating the public as to the value of trees and forests;
- (b) encouraging the management and replenishment of forests; and
- (c) encouraging the planting of trees for the beautification of Ontario.

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *Arbour Day Act, 1986*.

Short title





# Bill 48

## **An Act to amend the Municipality of Metropolitan Toronto Act**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

---

*1st Reading*      June 2nd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The proposed section 24a authorizes the Metropolitan Council and the councils of the area municipalities to establish supplementary pensions for council members and their surviving spouses and children.

## Bill 48

1986

**An Act to amend the  
Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Part I of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:**

**24a.**—(1) The Metropolitan Council and the council of each area municipality may pass by-laws for providing pensions for members of the Metropolitan Council or the council of the area municipality, as the case may be, and their surviving spouses and children in respect of both current and prior service on council in an amount not exceeding 1.5 per cent of pensionable earnings multiplied by the total number of years and part of a year of credited service up to a maximum of 70 per cent of pensionable earnings when combined with any pension payable under the *Ontario Municipal Employees Retirement System Act*.

Supple-  
mentary  
pensions,  
members of  
council

R.S.O. 1980,  
c. 348

(2) In subsection (1), “credited service” and “pensionable earnings” have the same meaning as in Regulation 724 of Revised Regulations of Ontario, 1980 made under the *Ontario Municipal Employees Retirement System Act*.

Definitions

(3) A by-law passed under subsection (1) may provide that a member of council shall contribute up to 50 per cent of any payments required in respect of benefits for prior service on council and that such payments may be on a deferred basis.

Prior  
service

(4) A by-law passed under subsection (1) may be amended to vary the amounts of the pensions under that subsection or the payments required by subsection (3).

Amendments  
to by-law

(5) No by-law under subsection (1) and no by-law amending such a by-law shall be passed except on an affirmative vote

Two-thirds  
vote required



of at least two-thirds of the council present and voting thereon.

Adminis-  
tration

(6) The Metropolitan Corporation or the area municipality, as the case may be, and the Ontario Municipal Employees Retirement Board or any other qualified person may enter into agreements to administer pensions provided under this section.

Idem

(7) The Metropolitan Corporation and any area municipality may enter into agreements to administer pensions provided under this section and such agreement may authorize the Metropolitan Corporation or the area municipality, as the case may be, to enter an agreement under subsection (6) with respect to pensions administered under an agreement made under this subsection.

Deductions

(8) The Metropolitan Corporation or the area municipality, as the case may be, shall deduct by instalments from the remuneration of a member of council the amount that the member is required to pay under the terms of a pension plan established under this section.

Non-  
application  
R.S.O. 1980,  
c. 347

(9) Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to pensions provided under this section.

Transition

(10) A pension may be provided under this section to a person who was a member of council on the 30th day of November, 1985, notwithstanding that the person is not a member of council on the day the by-law establishing the pension plan is passed and the pension may be paid retroactive to the 1st day of December, 1985.

Commence-  
ment

**2. This Act comes into force on the day it receives Royal Assent.**

Short title

**3. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1986*.**

# Bill 48

*(Chapter 55  
Statutes of Ontario, 1986)*

## **An Act to amend the Municipality of Metropolitan Toronto Act**

**The Hon. B. Grandmaître**  
*Minister of Municipal Affairs*

---

<i>1st Reading</i>	June 2nd, 1986
<i>2nd Reading</i>	November 18th, 1986
<i>3rd Reading</i>	November 27th, 1986
<i>Royal Assent</i>	November 27th, 1986

---



Bill 48

1986

## An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Part I of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:**

**24a.**—(1) The Metropolitan Council and the council of each area municipality may pass by-laws for providing pensions for members of the Metropolitan Council or the council of the area municipality, as the case may be, and their surviving spouses and children in respect of both current and prior service on council in an amount not exceeding 1.5 per cent of pensionable earnings multiplied by the total number of years and part of a year of credited service up to a maximum of 70 per cent of pensionable earnings when combined with any pension payable under the *Ontario Municipal Employees Retirement System Act*.

Supple-  
mentary  
pensions,  
members of  
council

R.S.O. 1980,  
c. 348

(2) In subsection (1), “credited service” and “pensionable earnings” have the same meaning as in Regulation 724 of Revised Regulations of Ontario, 1980 made under the *Ontario Municipal Employees Retirement System Act*.

Definitions

(3) A by-law passed under subsection (1) may provide that a member of council shall contribute up to 50 per cent of any payments required in respect of benefits for prior service on council and that such payments may be on a deferred basis.

Prior  
service

(4) A by-law passed under subsection (1) may be amended to vary the amounts of the pensions under that subsection or the payments required by subsection (3).

Amendments  
to by-law

(5) No by-law under subsection (1) and no by-law amending such a by-law shall be passed except on an affirmative vote

Two-thirds  
vote required



of at least two-thirds of the council present and voting thereon.

Adminis-  
tration

(6) The Metropolitan Corporation or the area municipality, as the case may be, and the Ontario Municipal Employees Retirement Board or any other qualified person may enter into agreements to administer pensions provided under this section.

Idem

(7) The Metropolitan Corporation and any area municipality may enter into agreements to administer pensions provided under this section and such agreement may authorize the Metropolitan Corporation or the area municipality, as the case may be, to enter an agreement under subsection (6) with respect to pensions administered under an agreement made under this subsection.

Deductions

(8) The Metropolitan Corporation or the area municipality, as the case may be, shall deduct by instalments from the remuneration of a member of council the amount that the member is required to pay under the terms of a pension plan established under this section.

Non-  
application  
R.S.O. 1980,  
c. 347

(9) Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to pensions provided under this section.

Transition

(10) A pension may be provided under this section to a person who was a member of council on the 30th day of November, 1985, notwithstanding that the person is not a member of council on the day the by-law establishing the pension plan is passed and the pension may be paid retroactive to the 1st day of December, 1985.

Commence-  
ment

**2. This Act comes into force on the day it receives Royal Assent.**

Short title

**3. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1986*.**

# Bill 49

## **An Act to amend the Landlord and Tenant Act**

Mr. Shymko

---

*1st Reading*      June 3rd, 1986

*2nd Reading*

*3rd Reading*

*Royal Assent*

#### EXPLANATORY NOTE

The purpose of the Bill is to exempt an agreement from Part IV of the Act whereby a landlord waives a right in favour of the tenant.

**Bill 49****1986****An Act to amend the Landlord and Tenant Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 82 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(3) This Part does not apply to an agreement between a landlord and tenant under which the landlord agrees not to exercise any or all of the landlord's rights under this Part or waives such rights in favour of the tenant. Exemption

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is the *Landlord and Tenant Amendment Act, 1986*. Short title





